Joint Action Plan for Developing Unity of Effort

General

This Joint Action Plan largely represents the collaborative effort of designated representatives of the Council of Governors, the Department of Defense (DoD), the Department of Homeland Security (DHS), and the Federal Emergency Management Agency (FEMA) during the Unity of Effort Workshop, conducted in Washington, DC, August 26-27, 2010 and was approved by the Council of Governors, the Secretary of Defense and the Secretary of Homeland Security at the Pentagon on March 1, 2011. Following acceptance of this Joint Action Plan by the Council of Governors, the Secretary of Defense, and the Secretary of Homeland Security, the Council and Departments will expeditiously collaborate to produce the necessary implementation guidance for all five emphasis areas.

Dual Status Command

Properly configured command and control arrangements must be established for designated planned events\(^1\) (including national special security events\(^3\)), or in response to an emergency\(^3\) or major disaster\(^4\) within the United States. When an emergency event occurs in any area subject to the laws of any State, Territory or the District of Columbia (hereinafter a “State”), the Governor of the State affected will normally be the principal civil authority supported by the primary federal agency and its supporting federal entities and the Adjutant General of the State or his/her subordinate designee will be the principal military authority supported by a duly appointed Dual-Status commander acting in his or her State capacity. All military commanders regardless of Service or Service component are supporting entities for purposes of operations within the area(s) governed by State civil and criminal jurisdiction in support of either State or Federal civil authorities. When a State requests support from the Federal government, it is vital to acknowledge both the sovereign status of Governors in managing and directing the response to emergencies within their States and territories and the responsibility of the President and Secretary of Defense (SecDef) in ensuring legal, safe, and effective employment of Federal forces\(^5\), when requested.

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\(^1\)According to the National Response Framework, a planned event is a “planned, nonemergency activity (e.g., sporting event, concert, parade, etc.).”
\(^2\)According to Joint Publication 1-02, DOD Dictionary of Military and Associated Terms, a National Special Security Event is a “designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.”
\(^3\)42 U.S.C. §5122(1).
\(^4\)42 U.S.C. §5122(2).
\(^5\)Federal forces include Title 10 forces, DOD civilians, DOD contract personnel, and DOD component assets.
Title 32, U.S. Code, allows for the Governor of a State and the President to take action to permit a National Guard officer of a State or a commissioned officer of the Regular Army or the Regular Air Force to be appointed as a Dual Status Commander. A Dual Status Commander has authority over both National Guard forces under State control in a Title 32, U.S. Code or State Active Duty status (hereafter referred to as State military forces) and over military forces under Federal control in a Title 10, U.S. Code status (hereafter referred to as Federal military forces) while acting in the Dual Status Command position. Pursuant to State authority, this Dual Status Commander may command State military forces. Pursuant to Federal authority, this Dual Status Commander may command Federal military forces, including Reserve Component forces serving on active duty (including federalized National Guard forces serving on active duty) and National Guard forces called into Federal service. When utilizing a dual-status commander arrangement, Federal and State military forces have separate chains of command, and command authority within each of the separate chains of command may be exercised by the appointed dual-status commander only through the separate chains of command. While acting pursuant to State authority, the commander may not issue orders to Federal military forces; while acting pursuant to Federal authority, the commander may not issue orders to State military forces. As such, the establishment of a dual-status commander does not give the President command of State military forces, or the Governor of a State command of Federal military forces.

When Federal military forces and State military forces are employed simultaneously in support of civil authorities in the United States, appointment of a Dual Status Commander is the usual and customary command and control arrangement, including for missions involving planned events/incidents and no-notice and/or imminent incidents. Appointment of the Dual-Status Commander requires action by the President and the appropriate Governor. Recognition of the predominant nature of Dual-Status Commander employment in this joint action plan is intended to focus sufficient planning and preparation such that appointment of a Dual-Status Commander is an option capable of immediate implementation should the President and Governor so agree. In support of this arrangement, DoD will establish policies and procedures to expedite required State and Federal action for the appointment of a Dual Status Commander. The Secretary of Defense will request from the President a standing delegation of authority to take any required action, in agreement with the Governor of the affected State, to approve/appoint a Dual Status Commander. DoD, through the National Guard Bureau (NGB), will work with Adjutants General of the Several States, Territories, Possessions and the District of Columbia (hereafter referred to as the Adjutants Generals of the Several States) to ensure that proper consent and authorization memoranda of agreement are pre-coordinated and ready for verbal execution based on oral agreement immediately and that needed signatures are obtained as soon as possible subsequently.

In July 2010, the Commander, USNORTHCOM, the Chief, NGB, and the Adjutants General of California, Florida, Georgia, Ohio, Texas, and Washington established a prototype Contingency Dual-Status Commander proof of concept under which a National Guard officer could be identified and qualified to serve as Dual Status Commander. This proof of concept prototyped a rigorous, standardized training and certification program for Dual Status Commander candidates; identification of USNORTHCOM-provided Title 10 deputy commanders; USNORTHCOM designation of staff elements to support the Dual Status Commander; and joint exercises involving State and Federal civilian and military personnel. Dual Status Commander candidates from Florida, Texas, and California, as well as several Title 10 deputy commanders, participated in this prototype training and certification program. The proof of concept was judged successful by USNORTHCOM, NGB, and the participating states. This proof of concept, including a plan and timetable for expanded fielding, will be briefed at the next plenary meeting of the Council of Governors.

Specialized training and certification to command U.S. military forces to support civil authorities is essential for the Dual Status Command concept to improve unity of effort and ensure a rapid response to save lives, prevent human suffering, and protect property in the United States. USNORTHCOM, through NGB and with the Military Departments, will work with the Adjutants General of the Several States to develop a standardized training and certification program for Dual Status Commander candidates. In addition to training and certification, Dual Status Commander candidates should participate in regular joint exercises involving State and Federal civilian and military personnel.

To date, all but one (i.e., Operation Winter Freeze, November 2, 2004 to January 28, 2005) of the eight instances in which a Dual Status Commander was appointed involved operations in a single jurisdiction (i.e., a single State). The likelihood of our nation facing a catastrophic incident affecting multiple states is statistically significant. Past multi-state emergencies such as Hurricane Katrina demonstrate that a coordinated and expeditious State-Federal response is crucial to saving and sustaining lives. A multiple State response gives rise to several challenges, including whether to appoint a Dual Status Commander for all the applicable states, in each of the applicable states, or in some of the applicable states. DoD and the several States will address the use of the Dual Status Command concept in disasters/emergencies affecting multiple States simultaneously.

**Shared Situational Awareness**

Effective emergency management and incident response activities rely on flexible communications and information systems that provide a common operating picture to emergency management/response personnel and their affiliated organizations.\(^1\) According

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to the National Incident Management System (NIMS), a common operating picture is an overview of an incident by all relevant parties that provides incident information enabling the Incident Commander/Unified Command and any supporting agencies and organizations to make effective, consistent, and timely decisions. Furthermore, incident reporting and documentation procedures should be standardized, consistent with the NIMS, to ensure that situational awareness is maintained and that emergency management/response personnel have easy access to critical information. To these ends, DoD and the Adjutants General of the several States will focus initially on establishing a "common operating picture" and "common reporting system" between State and Federal military forces that will provide an overview of an incident, threat information, logistics, and publicly available/open source information. The immediate priority for these systems will be the sharing of operational data (e.g., location, capability, and activity) of State and Federal military units on orders to respond to an incident among Joint Force Headquarters-State (JFHQs-State), USNORTHCOM, U.S. Pacific Command (USPACOM), and NGB. The intermediate priority will be the sharing of location and availability of State and Federal military units potentially able to provide military support to civil authorities. In support of this intermediate priority, DoD will assess the potential for sharing applicable Defense Support of Civil Authorities (DSCA) readiness information pursuant to the Civil Support Task List from the Defense Readiness Reporting System via an unclassified, but secure, system. Of note, USNORTHCOM, in conjunction with FEMA, is developing a logistics "common operating picture" that can be shared by all interested parties. The goal for effective information sharing with Federal, State, local and tribal partners is to develop push-type information sharing systems and to reduce reliance on pull-type information sharing systems.

In the long-term, DoD, the Adjutants General of the several States, and State and Federal civilian authorities will focus on establishing a "common operating picture" and "common reporting system" between State and Federal responders. USNORTHCOM has developed the Situational Awareness Geospatial Enterprise (SAGE) system to bridge the gap between disparate situational awareness systems by integrating critical infrastructure, force tracking, interagency, and incident management data at the unclassified level. DHS provides access to an unclassified common operating picture via the Homeland Security Information Network (HSIN). JFHQs-State and DoD (including NGB, the Joint Staff, USNORTHCOM, and USPACOM) will (1) conduct baseline assessments of current HSIN availability, (2) evaluate the "common operating picture" provided via HSIN (including how well State and Federal military force information is shared), and (3) share the results with the Council of Governors, DoD, and DHS.

At the next plenary meeting of the Council of Governors, USNORTHCOM and NGB will brief the status of State and Federal military shared situational awareness efforts.

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8Ibid, page 137.
9Ibid, page 27.
Recent natural and manmade disasters demonstrated the need for a robust continuity capability at the Federal, State, territorial, tribal, and local levels, as well as within the private sector, in order to ensure the preservation of our form of government under the Constitution and the continuation of essential functions under all conditions. The goal of a robust continuity capability is to have the resiliency to confront any challenge, threat, or vulnerability; therefore, improvements in shared situational awareness will take into account the needs of State and Federal authorities to maintain continuity of operations and continuity of government.

**Joint Reception, Staging, Onward Movement and Integration (JRSOI)**

A robust, integrated JRSOI -- the strategic movement of capabilities and capacities -- is essential to executing a Governor’s emergency response priorities. Inadequate control of this strategic movement results in waste, reduced logistical efficiency, and, consequently, a loss of potential capabilities and capacities. Coordination and synchronization of JRSOI activities are critical. Planning for JRSOI in advance of an incident is essential. As such, Federal and State Governments will identify and seek consensus mutually, as well as with Tribal Governments, nongovernmental organizations and private sector entities, on preliminary JRSOI areas/bases (primary and alternate), that may be used in each State for reception and staging and/or logistical throughput. JFHQs-State, in concert with NGB, and DoD will: (1) work to synchronize and deconflict military force JRSOI areas/bases in each State; (2) incorporate these preliminary JRSOI areas/bases into appropriate emergency response plans; and (3) develop protocols for notification of intent to use and/or deploy to these preliminary JRSOI areas/bases.

Of note, NGB, the Adjutants General of the Several States, and USNORTHCOM are developing a template that may be used to help States coordinate the JRSOI process of responding forces.

**Mission Assignments/Pre-Scripted Mission Assignments**

A mission assignment (MA) is the mechanism used to support Federal operations in a Stafford Act-declared major disaster or emergency. Mission assignments request immediate, short-term emergency response assistance when an applicable State or local government is overwhelmed by an incident and lacks the capability to perform, or contract for, the necessary support. DoD provides capabilities/resources in support of mission assignment execution on a reimbursable basis. In responding to requested mission assignments, DoD will source capabilities from the available Total Force, which

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11 Ibid, page 17.
13 Ibid, Glossary.
can include, with the consent of the applicable Governor(s), National Guard capabilities operating in Title 32, U.S. Code status.

A FEMA pre-scripted mission assignment (PSMA) identifies resources or requirements needed from government organizations that are commonly called upon during response to an incident. The Federal Government and many State governments use PSMAs to assist in planning and to reduce the time it takes to deploy response resources. Significant progress has been made to streamline and expedite the PSMA process. For example, FEMA has developed approximately 237 approved PSMAs with Federal partners (27 with DoD). More progress is necessary. In responding to requests to execute a PSMA, DoD will source capabilities from the available Total Force, which can include, with the consent of the applicable Governor(s), National Guard capabilities operating in Title 32, U.S. Code status. First, FEMA, in coordination with the States and appropriate Federal departments and agencies, will develop more PSMAs for additional contingency scenarios. Second, DoD, through NGB, will request each JFHQ-State to examine current DoD PSMAs to identify (1) those applicable to their State, and (2) the extent to which the National Guard of their State is capable of providing the support described in each PSMA.

Re-tasking State or Federal military forces is only permitted when a new FEMA MA is approved by the appropriate tasking authority. Unauthorized re-tasking can have significant fiscal and legal consequences. In the future, DoD and, through NGB, the Adjutants General of the Several States, in coordination with FEMA, will examine the protocol for re-tasking State and Federal military forces that are executing tasks as requested by FEMA and, as necessary, publish clarifications.

Planning

The National Response Framework provides that governments at all levels have a responsibility to develop detailed, robust, all-hazards response plans. Plans should describe how personnel, equipment, and other governmental and nongovernmental resources will be used to support emergency management and incident response requirements. Although it is recognized that jurisdictions and organizations will develop multiple types of plans, such as response, mitigation, and recovery plans, it is essential that these plans be coordinated and complement one another. The States, DHS, and DoD will work together to improve local, State, regional, Federal, and national integrated planning. In addition, the States, DHS, and DoD will identify or, when necessary, establish links and forums to socialize plans and promote national integrated responses.

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18Ibid, page 16.
planning. These links and forums will leverage the FEMA regional offices and the NGB regional planning workshops and ensure synchronization of specialized Federal resources such as the Chemical, Biological, Radiological, Nuclear (CBRN) Response Enterprise. Furthermore, FEMA will identify the follow-on approach to integrated planning that draws upon lessons learned from the Task Force for Emergency Readiness pilot program and the FEMA catastrophic planning initiative.

Plans are the operational core of preparedness and provide mechanisms for setting priorities, integrating multiple jurisdictions/organizations and functions, establishing collaborative relationships, and ensuring that communications and other systems effectively support the full spectrum of emergency management and incident response activities. Mutual access to plans is essential to conduct integrated planning. Mutual access to plans also enhances unity of effort by enhancing mutual understanding of respective capabilities, support needs, and planned operational tasks. Dual Status Commander candidates and State and Federal deputy designees require full access to those State and Federal plans they would be required to execute. The States currently share plans with the FEMA regional offices, and the JFHQs-State share military response plans with NGB. The States will determine how they will provide access to other appropriate Federal entities. All DoD components will adhere to current Civil Support plan sharing guidance. The Under Secretary of Defense for Policy and the Chairman of the Joint Chiefs of Staff will periodically review and update plan sharing guidance as necessary to facilitate unity of effort. USNORTHCOM and NGB provide access to their DSCA plans via the Internet. USPACOM will determine how it will provide access to its DSCA plans. DHS provides access to its plans via the online Virtual Joint Planning Office (VJPO).

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19 Ibid, page 16.
20 Deputy Assistant Secretary of Defense for Plans, Creation of Civil Support Category of Plans, OSD 11576-09.