

STATEMENT OF PRINCIPLES

The Council of Governors and its federal participants (i.e., the Federal officials identified in Executive Order 13528 and officials of other Federal executive departments or agencies as may be designated by the Secretary of Defense or the Secretary of Homeland Security) adopt the following Statement of Principles to guide development of protocols concerning military assistance to domestic civil authorities (MSCA) in emergency response operations and other military and National Guard matters falling within the scope of Section 1822 of the National Defense Authorization Act of 2008 and the associated Executive Order issued by President Obama on January 11, 2010. The principles set forth herein form a framework for achieving desired effects concerning MSCA and other military-related issues, regardless of military service or service component.

In adopting this Statement of Principles, the Council and its federal participants agree that:

- The principles assume existing federal and state constitutions and statutes, including all express and implied emergency powers of the President and Governors and the heads of Federal departments and agencies remain in full force and effect;
- The principles are intended to be consistent with existing Presidential Directives, the National Response Framework, the National Incident Management System, the National Incident Command System and the Stafford Act, the Post-Katrina Emergency Management Reform Act, and other applicable laws and policies;
- The principles are intended to be compatible with the existing Federal process in which requests for Federal assistance are “requirements-based” and appropriate Federal authorities ultimately determine the Federal resources to be provided in support of state and local authorities;
- The principles are intended to be consistent with the Emergency Management Assistance Compact (EMAC) and other interstate mutual assistance agreements, such as the Pacific Northwest Emergency Management Accord (PNEMA), which facilitate the provision of resources, including National Guard personnel and equipment, from one or more supporting states to a supported state or states;
- Issues in all Council working groups will be actively addressed concurrent with discussions on military support to civil authorities;
- Federal proposals for changing federal laws, regulations or policies affecting the National Guard or military operations in support of State and local domestic civil authorities will be discussed and views and information exchanged with the Council of Governors *in advance* of formally requesting, submitting or implementing any such change.
- Federal resource allocation or reallocation proposals that would impact the National Guard or military operations in support of domestic civil authorities will be discussed and views and information exchanged with the Council of Governors *in advance* of formally requesting, submitting or implementing any such federal resource allocation or reallocation action. Terms such as “military force”, “military response”, “military assistance” and similar phrases in the Statement of Principles are intended to refer to domestic military activities authorized by appropriate civilian authorities as part of a broader, civilian-directed emergency response.

Consistent with the foregoing agreements, the Council and its federal partners adopt the following Statement of Principles:

- 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 supported civil authority and the Adjutant General of the state or his/her subordinate designee will be the principal supported military authority. All military authorities, regardless of service or service component, are supporting entities for purposes of operations within the area(s) governed by state civil and criminal jurisdiction;
- When an emergency event occurs in any area subject to exclusive federal jurisdiction (e.g., a military installation over which there is exclusive federal jurisdiction), the President will normally be the principal supported civil authority and the Commander of U.S. Northern Command, U.S. Pacific Command or U.S. Southern Command, as appropriate, or his/her subordinate designee will be the principal supported military authority. All military authorities, regardless of service or service component, are supporting entities for purposes of operations within the area governed by exclusive federal civil and criminal jurisdiction;
- The parties acknowledge the need to cooperatively develop protocols for determining the appropriate principal supported civil authority and the appropriate principal supported military authority for emergency events that occur in any area subject to concurrent State and Federal jurisdiction;
- Arrangements for ensuring unity of effort by military forces, should be collaboratively developed and mutually agreed to by the Council and its Federal participants to reflect and reinforce these supported and supporting relationships;
- The objective of such arrangements is to integrate military assistance into the domestic emergency response as quickly, appropriately and effectively as possible. This should be accomplished by:
 - a. Developing a pre-arranged set of emergency response protocols that will avoid waiting until an event to determine how military forces will be integrated;
 - b. Ensuring that end-state military response protocols are scalable and capable of addressing an event within a single state as well as multi-state events of regional or national magnitude;
 - c. Ensuring that end-state military response protocols address responses to all incidents, including Weapons of Mass Destruction (WMD) events as well as natural disasters;
- The Council and its Federal participants should also develop procedures for the exchange of State and Federal military capabilities information and operations plans, including likely State requests for Federal military assistance. This should include:
 - a. Collaborative development of pre-scripted State and Federal mission assignments to speed the delivery of requested military assistance;
 - b. Alignment of arrangements for integrating supported and supporting military responses through a single standardized protocol or national system designed to encompass all

- State and Federal partners, as opposed to individual agreements between each State and DoD, DHS or other federal agency(ies), and tied to a national exercise program;
- c. Development of a uniform set of data (i.e. a common operating picture) to communicate the availability and capability of military units in each State and region to support domestic civil authorities if requested and as tasked by appropriate military authorities.