

COVID-19: The Basics of Domestic Defense Response

Michael J. Vassalotti, Coordinator

Section Research Manager

Michael H. Cecire

Analyst in Intergovernmental Relations and Economic Development Policy

Lawrence Kapp

Specialist in Military Manpower Policy

Brendan W. McGarry

Analyst in U.S. Defense Budget

Bryce H. P. Mendez

Analyst in Defense Health Care Policy

Heidi M. Peters

Analyst in U.S. Defense Acquisition Policy

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As the COVID-19 pandemic has unfolded, the Department of Defense (DOD) has been drawn steadily into an ever more direct supporting role in the U.S. government's domestic response. Below are the funding, authorities, and basic descriptions of foreseeable ways DOD might further contribute. Links in this product connect to more detailed information on the highlighted subjects within CRS products or web pages.

The [World Health Organization](#) (WHO) declared the global COVID-19 outbreak a Public Health Emergency of International Concern on January 30, raised its global risk assessment to “Very High” on February 28, and labeled the outbreak a “pandemic” on March 11. President Donald J. Trump declared a U.S. national emergency on March 13. For more information on the domestic and international health aspects of COVID-19, see CRS Report R46219, *Overview of U.S. Domestic Response to Coronavirus Disease 2019 (COVID-19)*, and CRS In Focus IF11421, *COVID-19: Global Implications and Responses*.

On Friday March 20, the [Federal Emergency Management Agency](#) assumed the lead agency role in President Trump's Coronavirus Task Force under the [National Response Framework](#) (NRF) for national emergencies. DOD participates in the national response to the crisis within the NRF.

Defense Funding

On March 14, 2020, the House passed by a vote of 363-40 the Families First Coronavirus Response Act (P.L. 116-127), Title II of which included \$82 million for the Defense Health Program to waive all [TRICARE](#) cost-sharing requirements related to COVID-19. On March 18, the Senate approved the bill by a vote of 90-8. President Trump signed the bill the same day.

On March 17, the Trump Administration delivered to Congress an FY2020 supplemental appropriations [request](#) for \$45.8 billion to respond to the pandemic, including \$8.3 billion in emergency funding for DOD.

DOD proposed these Operation and Maintenance funds be allocated to its Emergency Response Fund account to:

- facilitate changes in military personnel policy (e.g., return of dependents to the United States, changes to reassignments, cancelled training);
- expedite access to rapid COVID-19 diagnostics;
- ensure access to medical care;
- address the impacts of the pandemic on logistics and supply chains; and
- bolster the overall national response.

Defense Capabilities and Authorities

DOD has capabilities that can directly support civil authorities in health emergency situations, including [health and medical surveillance](#), [research](#) on diseases, [treatment facilities](#), communications equipment, temporary lodging facilities and storage space, material-handling equipment, and logistics support. Installations approved for these purposes include Active and Reserve Component bases. This type of assistance is called Defense Support of Civil Authorities (DSCA). For more on these capabilities, see CRS Report R43560, *Deployable Federal Assets Supporting Domestic Disaster Response Operations: Summary and Considerations for Congress*, coordinated by Jared T. Brown (PDF pages 36-40).

Integrating Defense Capabilities

Legal authority for DOD involvement in domestic disasters is provided in the following statutes:

- **The Robert T. Stafford Disaster Relief and Emergency Assistance Act** is the statutory authority for disaster relief for both natural disasters and human-caused incidents.
- **The Economy Act** provides authority for federal agencies to order goods or services from other federal agencies; it permits an agency to request DOD support in situations other than those outlined in the Stafford Act.
- **The Posse Comitatus Act** generally prohibits federal troops from search, seizure, and arrest. While under the control of a *governor*, however, National Guard personnel are not subject to the restrictions of the Posse Comitatus Act.
- **Military Support to Civilian Law Enforcement Agencies** provisions (10 U.S.C. §§271-284) authorize certain types of military support to civilian law enforcement officials including use of military equipment and facilities, training and advising, maintenance and operation of equipment, support for counterdrug activities, and support for activities to counter transnational organized crime.
- **DOD Directive 3025.18** is the DOD regulation governing defense support of civil authorities.

Reserve Component Activation

On March 22, the President authorized activation of National Guard personnel in hardest hit states of New York, Washington, and California under [Title 32 U.S.C § 502\(f\)](#), under which governors control operations with pay and benefits provided by the federal government. The President could also order the National Guard and Reserves to federal active duty under Title 10; applicable authorities include

- [10 U.S.C. 12302](#), Partial Mobilization;
- [10 U.S.C. 12304](#), Presidential Reserve Call-up; and
- [10 U.S.C. 12304a](#), Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.

A state's governor can also activate its National Guard for full time duty (i.e., state active duty); this may include federal pay and benefits. For more on Reserve Component activation, see CRS In Focus IF10540, *Defense Primer: Reserve Forces*.

U.S. Army Corps of Engineers (USACE)

Per historical precedent, USACE involvement in rehabilitating or constructing facilities as part of a domestic disaster response under the [National Response Framework](#) would be funded through the Disaster Relief Fund (DRF), not from DOD funds. In this situation, the federal lead for the disaster would assign a task to USACE and pay for the task through the DRF. Below is an excerpt from the NRF that describes the typical assignment for USACE's largely civilian staff.

ESF #3 – Public Works and Engineering**ESF Coordinator: DOD/U.S. Army Corps of Engineers**

Coordinates the capabilities and resources to facilitate the delivery of services, technical assistance, engineering expertise, construction management, and other support to prepare for, respond to, and recover from a disaster or an incident. Functions include but are not limited to the following:

- Infrastructure protection and emergency repair;
- Critical infrastructure reestablishment;
- Engineering services and construction management; and
- Emergency contracting support for life-saving and life-sustaining services.

Defense Production Act

As the COVID-19 pandemic evolves, the United States faces drug and medical supply scarcities due to disrupted supply chains and increased demand. In response, the President may invoke emergency authorities under the Defense Production Act of 1950 (DPA; 50 U.S.C. §§4501 et seq.) to address economic impacts. He did so on March 18, 2020 through an executive order but [has yet to give direction to the private sector under this authority](#). For more on the DPA, see CRS Insight IN11231, *The Defense Production Act (DPA) and COVID-19: Key Authorities and Policy Considerations*, and CRS Report R43767, *The Defense Production Act of 1950: History, Authorities, and Considerations for Congress*.

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