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Homeland Security: Navy Operations — Background and Issues for Congress

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Summary

The Department of Defense (DOD), which includes the Navy, has been designated the lead federal agency for homeland defense (HLD), while the Department of Homeland Security (DHS), which includes the Coast Guard, has been designated the lead federal agency for homeland security (HLS). Several Navy activities contribute to HLS and HLD. The Navy's HLS and HLD operations raise several potential oversight issues for Congress, including Navy coordination with the Coast Guard in HLS and HLD operations. This report will be updated as events warrant.

Background

Key Terms And Definitions.¹ In discussing the Navy's homeland security operations, key terms include homeland security (HLS), homeland defense (HLD), civil support (CS), maritime domain awareness (MDA), the global war on terrorism (GWOT), and anti-terrorism/force protection (AT/FP). These terms are discussed briefly below. The maritime elements of HLS and HLD are abbreviated MHLS and MHL D, respectively.

Navy officials, following the National Strategy for Homeland Security, define **homeland security** as "a concerted national effort to prevent terrorist attacks within the United States, to reduce vulnerability to terrorism, and to minimize the damage and recover from attacks that do occur." Following the Defense Planning Guidance for FY2004-FY2009, Navy officials define **homeland defense** as "the protection of U.S. territory, sovereignty, domestic population, and critical infrastructure against external threats and aggression," and **civil support** as "Department of Defense (DOD) support to U.S. civil authorities for domestic emergencies and for designated law enforcement and other activities." Under these definitions, there is some overlap between HLS and HLD, particularly with regard to protecting against terrorist attacks within the United States, and

¹ Quotes from Navy officials included in this section are taken from Navy briefings and briefing papers on Navy HLD and HLS operations provided to CRS in January 2005.

some overlap between HLS and CS, particularly with regard to responding to effects of terrorist attacks within the United States.

Navy officials define **maritime domain awareness** as “the effective understanding of anything associated with the maritime domain that could impact the security, safety, or economy of the United States.” MDA, Navy officials state, “globally links coordinating commands, helps to define the initial battlespace, and is a national-level mission requiring cooperative efforts by many different departments, agencies, and civilian organizations.” Examples of potential maritime threats to be detected by MDA, Navy officials state, include terrorism, proliferation of weapons of mass destruction, piracy, arms trafficking, narcotics smuggling, other criminal activities, and mass migrations. The Coast Guard has identified the achievement of MDA as a key goal, and has identified specific programs in its budget as supporting MDA.²

Navy officials state that MHLD is part of the larger **global war on terrorism**. **Anti-terrorism/force-protection** refers to measures taken to protect U.S. military forces and facilities (e.g., Navy personnel, ships, and bases) against attack, including terrorist attacks. Some Navy AT/FP efforts can qualify as MHLS or MHLD activities.

Navy MHLS and MHLD Activities. **Table 1** on the next page shows how selected Navy activities can contribute to, or qualify as, MHLS, MHLD, GWOT, or AT/FP efforts. (Some of the activities listed separately in the table can be viewed as alternate ways of describing essentially the same kinds of operations.) As can be seen in the table, in light of the overlapping definitions discussed above, a number of Navy activities can qualify under more than one of these terms, depending on the exact scenario in question.

Navy and Coast Guard Roles in MHLS and MHLD. The Department of Homeland Security (DHS), which includes the Coast Guard, has been designated the lead federal agency for HLS,³ while DOD, which includes the Navy, has been designated the lead federal agency for HLD.⁴ Given the partial overlap in definitions between MHLS and MHLD, situations involving potential terrorist attacks in the maritime domain close to the United States could pose a question as to whether DHS or DOD should take the lead in responding. Navy officials state that in such situations, until a Presidential decision is made to assign a lead agency, or in time-critical situations, on-scene Coast Guard and Navy commanders are empowered to act in accordance with established authorities, procedures, guidance, and policies. If time permits, the President, in consultation with appropriate cabinet officials, will decide whether the situation is an HLS or HLD event, thus determining whether DHS or DOD is the lead agency.

² See CRS Report RS21125, *Homeland Security: Coast Guard Operations — Background and Issues for Congress*, by Ronald O’Rourke.

³ For more on Coast Guard HLS operations, see CRS Report RS21125, *Homeland Security: Coast Guard Operations — Background and Issues for Congress*, by Ronald O’Rourke.

⁴ For more on DOD’s role in HLS, see CRS Report RL31615, *Homeland Security: The Department of Defense’s Role*, by Steve Bowman.

Table 1. Selected Navy HLS, HLD, GWOT and AT/FP Activities

| This potential or actual U.S. Navy activity... | ... can contribute to, or qualify as | | | |
|--|--------------------------------------|-----|------|-------|
| | HLS | HLD | GWOT | AT/FP |
| Participate in building and maintaining maritime domain awareness | X | X | X | |
| Intercept terrorists or weapons of mass destruction, or potentially threatening ships or aircraft that are in or approaching U.S. territorial waters | X | X | X | |
| Protect U.S. Navy bases and facilities in United States, and U.S. Navy ships at ports or shipyards in the United States or U.S. territorial waters | X | X | | X |
| Protect U.S. homeland from attack by ballistic missiles, cruise missiles, conventional attack, and asymmetric/terrorist attack | X | X | | |
| Protect U.S. Navy computer networks | X | X | | |
| Assist U.S. civil authorities in responding to or recovering from a terrorist attack | X | X | | |
| Assist Coast Guard in protecting U.S. ports and coastal areas | X | | | |
| Participate in Proliferation Security Initiative (PSI) ⁵ or Theater Security Initiative | | X | X | |
| Maintain forward-deployed naval presence overseas | | X | X | |
| Protect U.S. Navy bases and facilities in foreign countries, and forward-deployed U.S. Navy ships, from terrorist or asymmetric attack | | | X | X |
| Measures to protect individual Navy sailors | | | | X |

Source: Information sheet provided to CRS by Navy Office of Legislative Affairs, Feb. 1, 2005. The Navy states that the columns marked for these activities are highly scenario-dependent.

HLS Events. Existing concepts of operations for the commanders of the Navy's Atlantic and Pacific fleets describe Navy support and resources potentially available for use by the Coast Guard, as the lead federal agency, for MHLS events. Navy forces are requested and provided to the Coast Guard through a request for assistance (RFA) that requires the approval of the Secretary of Defense. The existing concepts of operations documents define action areas and a scalable response that DOD could provide support to the Coast Guard's three Maritime Security (MARSEC) levels. A draft Secretary of Defense memorandum provides both the authority and procedure for DOD to respond to

⁵ For more on the PSI, see CRS Report RS21881, *Proliferation Security Initiative (PSI)*, by Sharon Squassoni.

time-critical situations by rapidly transferring DOD assets to the Coast Guard to respond to HLS missions. It also provides guidance for the Navy's 2nd and 3rd Fleets (which operate in the Atlantic and the Eastern Pacific, respectively) for conducting MHLD missions. As of January 2005, a draft reciprocal memorandum of agreement (MOA) was being prepared in parallel to the draft Secretary of Defense memorandum to provide a more formal standing agreement for rapidly transferring DOD assets in time-critical situations. The Secretary of Defense memorandum and the reciprocal MOA are intended to expedite the RFA process.

HLD Events. A memorandum of agreement (MOA) between DOD and DHS regarding the inclusion of the Coast Guard in support of MHLD established a DOD joint command and control structure for MHLD that includes Coast Guard forces. It also identifies and documents roles, missions, and functions for the Coast Guard in support of MHLD operations.

Navy Command Structure for HLD. The Commander of U.S. Fleet Forces Command (CFFC), located in Norfolk, VA, who is also the Commander of the U.S. Atlantic Fleet, is assigned as the supporting naval component command and the Joint Force Maritime Component Commander (JFMCC) to the Commander of the U.S. Northern Command (USNORTHCOM) for planning and conducting MHLD operations in the USNORTHCOM area of responsibility.⁶

Navy Authorities and Concept of Operations for HLD. A series of Execute Orders (EXORDs) issued under Operation Noble Eagle (the overarching name for HLD operations) provides DOD, including the Navy, with authorities, responsibilities, rules of engagement, and guidance for HLD operations. The EXORDs provide an overarching HLD concept of operations for DOD that implements a five-tiered, graduated-response posture enabling a scalable response to maritime and aerospace threats to the U.S. homeland. The documents identify the Navy's primary contribution to HLS, HLD, and GWOT as deterring the threat forward (i.e., overseas) with combat-capable forward-deployed forces. CFFC is a central participant in developing a concept of operations for MHLD and support to MHLS in USNORTHCOM's area of responsibility. As of January 2005, this concept of operations was in final development.

Navy Assets for MHLD and MHLS Operations. U.S.-based Navy ships and aircraft that are between their regularly scheduled overseas deployments, as well as Navy coastal warfare units and explosive ordnance disposal units, are available as needed for MHLS and MHLD operations. On any given day, some Navy ships and aircraft might be engaged in such operations. In the event of an MHLS or MHLD event, additional U.S.-based ships and aircraft could be surged into operation.

Navy Support to Coast Guard MHLS Operations. Current Navy assistance to the Coast Guard for MHLS operations includes, among other things, the transfer to the Coast Guard of five of the Navy's 13 Cyclone (PC-1) class fast patrol boats. Four of these 170-foot craft were transferred on September 30, 2004; the fifth was to be transferred on

⁶ For more on USNORTHCOM, see CRS Report RS21322, *Homeland Security: Establishment and Implementation of Northern Command*, by Christopher Bolkom and Steve Bowman.

September 30, 2005. The Navy is to pay the maintenance costs of these craft during FY2006-FY2008.

Navy Funding for MHLs and MHL Operations. Table 2 below shows, for the FY2006-FY2011 Future Years Defense Plan (FYDP), projected direct Navy funding for HLD and for Navy AT/FP efforts that may indirectly support HLD.

Table 2. Navy Funding For HLD and AT/FP Supporting HLD
(millions of dollars, rounded to the nearest million)

| | FY06 | FY07 | FY08 | FY09 | FY10 | FY11 | FYDP |
|---|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Recurring, direct Navy funding to support HLD | | | | | | | |
| Coast Guard support | 63 | 63 | 64 | 53 | 54 | 56 | 353 |
| Maritime intelligence | 9 | 9 | 9 | 9 | 10 | 10 | 56 |
| FEMA/EM | 1 | 1 | 1 | 1 | 1 | 1 | 6 |
| <i>SUBTOTAL</i> | <i>73</i> | <i>73</i> | <i>74</i> | <i>63</i> | <i>65</i> | <i>67</i> | <i>415</i> |
| Navy funding for AT/FP efforts that may indirectly support HLD | | | | | | | |
| Ashore efforts | 1,159 | 1,248 | 1,217 | 1,318 | 1,275 | 1,278 | 7,495 |
| Afloat efforts | 1,013 | 861 | 1,206 | 1,153 | 1,216 | 1,271 | 6,720 |
| NCIS/AT | 84 | 86 | 84 | 87 | 92 | 95 | 528 |
| <i>SUBTOTAL</i> | <i>2,256</i> | <i>2,195</i> | <i>2,507</i> | <i>2,558</i> | <i>2,583</i> | <i>2,644</i> | <i>14,743</i> |

Source: Information sheet provided to CRS by Navy Office of Legislative Affairs, January 25, 2005.

In the table above, the line for Coast Guard support includes maintenance support in FY2006-FY2008 for PC-1 class patrol boats operated by the Coast Guard (a total of \$30 million) and support in FY2006-FY2011 for common Navy-Coast Guard weapons and C4I (command, control, communications, computers, and intelligence) systems. Maritime intelligence is support for joint Navy-Coast Guard maritime intelligence and interdiction efforts. FEMA/EM is direct support for the Federal Emergency Management Agency and related assistance to civil authorities for emergency management.

Ashore and afloat, AT/FP efforts include training and deployment of AT/FP personnel; Navy contributions to programs relating to weapons of mass destruction; enhanced shipboard, port, and facilities defenses; and physical security equipment, weapons, and ammunition. NCIS/AT is funding for Naval Criminal Investigative Service anti-terrorism support to fleet deployments, threat databases and warning systems, protective operations, and vulnerability assessments.

Table 2 does not reflect funding for Navy ships, aircraft, and personnel that are tasked on an ad hoc basis for HLD missions. When ships and aircraft are assigned for specific HLD missions, their operational costs are reimbursed subject to case-by-case adjudication by the Chairman of the Joint Chiefs of Staff.

Potential Oversight Issues for Congress

Coordination with and Support for Coast Guard. Are policies, concepts of operations, procedures, and tactics for coordinating Navy and Coast Guard HLS and HLD operations complete and sufficient? Are the two services conducting sufficient joint exercises? Are their systems sufficiently interoperable? Is the Navy providing the right numbers and kinds of ships to assist the Coast Guard in performing HLS operations?

Navy LCS and Coast Guard Deepwater Programs. DOD officials have suggested that the Navy's new Littoral Combat Ship (LCS) could be appropriate for HLD operations.⁷ The Coast Guard is procuring new cutters under its Deepwater acquisition program that could also be suitable for HLD operations.⁸ Have the Navy and Coast Guard adequately coordinated their requirements for LCSs and Deepwater cutters?⁹

Impact on Navy Force-Structure Requirements. Will Navy HLS and HLD operations add to requirements for the total size of the Navy, and if so, by how much?¹⁰

MDA and Maritime Analog To NORAD. Navy and DOD officials since 2003 have spoken about creating a maritime analog to the North American Air Defense Command (NORAD).¹¹ What would such an entity encompass, and is this idea compatible with Coast Guard's concept for MDA?

Security at U.S. Navy Installations. Has the Navy taken adequate steps to improve security at naval installations in the United States? Is the Navy conducting sufficient testing of these measures? What new technologies or systems are under development that may improve future Navy capabilities in this area?

Cyberwar Attacks on Naval Computers. Potential questions here are analogous to those listed above for security at U.S. Navy installations.¹²

⁷ John T. Bennett, "Defense officials Say Littoral Combat Ships Could Defend U.S. Shores," *Inside the Navy*, October 21, 2004. For more on the LCS program, see CRS Report RS21305, *Navy Littoral Combat Ship (LCS): Background and Issues for Congress*, by Ronald O'Rourke, and CRS Report RL32109, *Navy DD(X), CG(X), and LCS Ship Acquisition Programs: Oversight Issues and Options for Congress*, by Ronald O'Rourke.

⁸ For more on the Deepwater program, see CRS Report RS21019, *Coast Guard Deepwater Program: Background and Issues for Congress*, by Ronald O'Rourke.

⁹ For additional discussion, see Statement of Ronald O'Rourke, Specialist in National Defense, Congressional Research Service, Before the Senate Commerce, Science, and Transportation Committee, Subcommittee on Fisheries and the Coast Guard, Hearing on the Coast Guard's Revised Deepwater Implementation Plan, June 21, 2005, pp. 9-10.

¹⁰ For more on potential Navy force-structure plans, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke.

¹¹ See, for example, Christopher J. Castelli, "DOD Develops Homeland Defense Strategy, Advocates 'Maritime NORAD,'" *Inside the Navy*, Aug. 2, 2004, p. 1.

¹² For more on this issue, see 147 CRS Report RL32114, *Computer Attack and Cyberterrorism: Vulnerabilities and Policy Issues for Congress*, by Clay Wilson.