



# Department of Defense INSTRUCTION

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USD(P)

SUBJECT: Foreign Consequence Management (FCM)

- References:
- (a) National Security Presidential Directive (NSPD) 9 "Defeating the Terrorist Threat to the United States," October 25, 2001<sup>1</sup>
  - (b) DoD Directive 5100.46, "Foreign Disaster Relief," December 4, 1975
  - (c) DoD Directive 3025.15, "Military Assistance to Civil Authorities," February 18, 1997
  - (d) DoD Instruction 2000.18, "Department of Defense Installation Chemical, Biological, Radiological, Nuclear and High-Yield Explosive Emergency Response Guidelines," December 4, 2002
  - (e) through (j), see Enclosure 1

## 1. PURPOSE

This Instruction establishes policy and assigns responsibilities under Reference (a) for DoD support to U.S. Government (USG) foreign consequence management (FCM) operations in response to a foreign chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

## 2. APPLICABILITY AND SCOPE

This Instruction:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

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<sup>1</sup> Document not available for public dissemination. Copies available from OASD(SO/LIC).

2.2. Applies to foreign incidents involving the deliberate or inadvertent release of CBRNE materials, including Toxic Industrial Chemicals and Toxic Industrial Materials.

2.2.1. Does not apply to acts of nature or acts of man that do not involve CBRNE materials in accordance with DoD Directive 5100.46 (Reference (b)).

2.2.2. Does not apply to domestic CBRNE incidents in accordance with DoD Directive 3025.15 (Reference (c)).

2.3. Does not apply to CBRNE incidents that are the direct result of U.S. military operations in a foreign country where the Department of State (DOS) does not have an established presence.

2.4. Does not apply to CBRNE incidents that occur and are contained on DoD installations and facilities overseas for which the Department of Defense retains primary CBRNE consequence management (CBRNE-CM) responsibility under relevant international agreements or arrangements in accordance with DoD Instruction 2000.18 (Reference (d)).

### 3. DEFINITIONS

Terms used in this Instruction are defined in Enclosure 2.

### 4. POLICY

FCM is identified as a USG mission in the “National Strategy to Combat Weapons of Mass Destruction (WMD)” (Reference (e)). The United States must be fully prepared to respond to CBRNE incidents overseas to protect its citizens and its Armed Forces abroad, as well as its friends and allies. As a partner, ally, and global leader in the war on terrorism, the United States must be fully prepared to provide FCM support. When approved by the President, the USG may provide FCM support to a host nation (HN), to the extent allowed by law, either at the request of the HN or upon HN acceptance of a USG offer of assistance. The Department of Defense must be fully prepared to support USG FCM operations when directed by the President and the Secretary of Defense. Therefore, it is DoD policy that:

4.1. Primary responsibility for CBRNE consequence management (CBRNE-CM) on foreign soil rests with the HN, unless otherwise stipulated under relevant international agreements or arrangements.

4.2. The DOS is the Lead Federal Agency (LFA) for USG FCM operations, unless otherwise directed by the President. HN requests for assistance and/or USG offers of assistance will be made through the LFA. The Department of Defense recognizes that it may be directed to act as the LFA for USG FCM operations by the President.

4.3. When requested by the LFA and directed by the Secretary of Defense, the Department of Defense will support USG FCM operations to the extent allowed by law and subject to the availability of appropriated funds for such purposes.

4.3.1. The Department of Defense recognizes that USG FCM operations may involve military assets and that these assets may be the earliest and largest USG contribution.

4.3.2. The Department of Defense will provide representation to the DOS-led Foreign Emergency Support Team/Consequence Management Support Team to support USG FCM operations, as requested by the DOS and directed by the Secretary of Defense.

4.3.3. The Department of Defense will retain command and control of all DoD assets (personnel, infrastructure, and equipment) supporting the LFA in USG FCM operations.

4.4. When imminently serious conditions resulting from any foreign emergency or attack require immediate action, military commanders may respond as may be necessary to save lives. When such compelling conditions exist and time does not permit prior approval from higher headquarters, commanders or officials acting under this “immediate response authority” may take necessary action to respond according to E.O. 12966 (Reference (f)).

4.5. Nothing in this Instruction shall detract from or conflict with the Commander’s responsibility to protect the persons and property subject to his control in accordance with DoD Instruction 2000.16 (Reference (g)).

## 5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)), under the Under Secretary of Defense for Policy (USD(P)), shall:

5.1.1. Serve as the principal advisor for FCM policy to the Secretary of Defense and the USD(P).

5.1.2. Develop, coordinate, and oversee DoD FCM policy, as appropriate. ASD(SO/LIC) shall serve as the OSD office of primary responsibility (OPR) for the review of all DoD plans, instructions, and manuals, or portions thereof, related to FCM operations, exercises, and plans.

5.1.3. Represent the Secretary of Defense on all FCM policy matters outside the Department of Defense for requirements contained in this Instruction.

5.1.4. Provide policy oversight for the planning and pre-positioning of DoD FCM assets for foreign events, as directed by the Secretary of Defense, including but not limited to, international athletic events, summits, and conferences.

5.1.5. Serve as the principal coordinator of DoD FCM exercises with the other USG agencies.

5.2. The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, under the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), shall provide technical expertise and assistance to the Secretary of Defense and the USD(AT&L) on radiological accident procedures involving DoD-owned nuclear weapons or radiological material.

5.3. The Under Secretary of Defense for Intelligence shall:

5.3.1. Provide advice, coordination, and support on all intelligence, counterintelligence, and security aspects of DoD support to USG FCM operations.

5.3.2. Oversee the assigned responsibilities of the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office to ensure that these agencies coordinate/collaborate with HN intelligence agencies as appropriate, as well as collect, analyze, and report all available intelligence relating to applicable CBRNE incidents.

5.4. The Director, Defense Threat Reduction Agency, under the USD (AT&L), shall:

5.4.1. Provide FCM program management, including functional assistance and training, as appropriate, for DoD FCM exercises, as requested by the Geographic Combatant Commanders (GCCs).

5.4.2. Advise and support FCM training and operational deployments of DoD elements in response to CBRNE incidents, as requested.

5.4.3. Establish and maintain deployable technical capabilities for advising and assisting the GCCs in the event of a foreign CBRNE incident.

5.5. The Chairman of the Joint Chiefs of Staff shall:

5.5.1. Provide advice on all requests and provide recommendations for DoD support to USG FCM operations.

5.5.2. Assess whether U.S. force capabilities are able to support USG FCM operations.

5.5.3. Develop and maintain appropriate U.S. military strategy and Joint doctrine to define responsibilities for planning, exercising, and conducting DoD support to FCM operations.

5.6. The Secretaries of the Military Departments shall:

5.6.1. In accordance with identified Combatant Command requirements, organize, train, and equip U.S. forces able to support USG FCM operations.

5.6.2. Integrate concepts of this Instruction into Military Department doctrine, organization, training, material, leadership, personnel, and facilities.

5.7. The Geographic Combatant Commanders (GCCs) shall:

5.7.1. Provide support to USG FCM operations, as requested by the LFA and directed by the Secretary of Defense. When it appears the HN will request or accept FCM assistance from the USG, and it appears that the Department of Defense will be requested and authorized to provide any of the assistance, GCCs shall undertake planning efforts to ensure the rapid execution of time-sensitive mitigation efforts as part of USG FCM operations.

5.7.2. Conduct immediate response operations, as appropriate. When immediate response authority is exercised, the GCC will inform higher headquarters by the most expeditious means available and seek approval or additional authorization, as appropriate. The GCC will notify the affected U.S. Chief of Mission (COM) at the time of higher headquarters notification.

5.7.3. Retain overall responsibility for force protection for DoD facilities and personnel within their Area of Responsibility (AOR) during FCM operations, except for those DoD elements and personnel for whom a COM has security responsibility according to 22 U.S.C. 4802 (Reference (h)) or under the “Memorandum of Understanding Between the Department of Defense and the Department of State on Security of DoD Elements and Personnel in Foreign Areas” (Reference (i)).

5.7.4. Develop and exercise plans for supporting USG FCM operations within their AORs.

5.7.4.1. FCM plans and exercises shall include procedures for coordinating with the LFA.

5.7.4.2. Exercises will be conducted once every two years at a minimum.

5.7.5. Develop requirements for supporting USG FCM operations within their AORs, as appropriate.

5.8. The Commander, U.S. Strategic Command shall:

5.8.1. Serve as the lead Combatant Commander for integrating and synchronizing applicable DoD combating WMD efforts.

5.8.2. Serve as the principal advocate for the combating WMD mission to support the Combatant Commands.

5.8.3. Sponsor Joint doctrine for combating WMD, as appropriate.

5.9. The Commander, U.S. Northern Command, shall provide technical advice and assistance to supported Combatant Commanders conducting FCM operations, as requested.

5.10. The Commander, U.S. Joint Forces Command, shall:

5.10.1. Provide sourcing recommendations for forces, capabilities, and specialized assets to augment the affected GCCs for FCM operations, as requested.

5.10.2. Provide FCM exercise support to GCCs, as requested.

5.11. The Commander, U.S. Transportation Command, shall provide transportation resources in support of USG FCM operations, as directed by the Secretary of Defense.

## 6. EFFECTIVE DATE

This Instruction is effective immediately.

  
Ryan Henry  
Principal Deputy Under Secretary of Defense for Policy

Enclosures - 2

- E1. References, continued
- E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) “National Strategy to Combat Weapons of Mass Destruction,” December 2002<sup>2</sup>
- (f) Executive Order 12966, “Foreign Disaster Assistance,” July 14, 1995
- (g) DoD Instruction 2000.16, “DoD Antiterrorism Standards,” June 14, 2001
- (h) Section 4802 of Title 22 United States Code
- (i) “Memorandum of Understanding between the Department of Defense and the Department of State on Security of DoD Elements and Personnel in Foreign Areas,” December 16, 1997<sup>3</sup>
- (j) Joint Publication 1-02, “DoD Dictionary of Military and Associated Terms,” current edition

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<sup>2</sup> Copies may be obtained, via Internet at <http://www.state.gov/documents/organization/16092.pdf>

<sup>3</sup> Copies may be obtained, via Internet at <http://www.foia.state.gov/masterdocs/02fam/02m0110.pdf> (pages 49-58)

## E2. ENCLOSURE 2

### DEFINITIONS

E2.1.1. Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive (CBRNE) Incidents. See Joint Publication 1-02 (Reference (j)).

E2.1.2. CBRNE Consequence Management (CBRNE-CM). Actions taken to mitigate the effects of a CBRNE attack or event and restore essential operations and services at home and abroad.

E2.1.3. Chief of Mission. See Reference (j).

E2.1.4. Foreign Consequence Management (FCM). Assistance provided by the USG to an HN to mitigate the effects of a deliberate or inadvertent CBRNE attack or event and to restore essential operations and services.

E2.1.5. Domestic. The continental United States, Alaska, Hawaii, the Commonwealth of Puerto Rico, the US Virgin Islands, U.S. territories of Guam, American Samoa, Jarvis Island, the Commonwealth of the Northern Marianas Islands, the Freely Associated States of Micronesia, the Republic of Palau, the Republic of the Marshall Islands, and the U.S. possessions of Wake Island, Midway Island, Johnson Island, Baker Island, Howland Island, Palmyra Atoll, and Kingman Reef.

E2.1.6. Foreign. For the purpose of this Instruction, foreign is defined as any geographic area not reflected in the definition of domestic.

E2.1.7. Host Nation (HN). A nation that receives the forces and/or supplies of allied and friendly nations, coalition partners, and/or multinational organizations to be located on, to operate in, or to transit through its territory.

E2.1.8. Lead Federal Agency (LFA). See Reference (j).