



The DoD Key Asset Protection Program (KAPP)

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Abstract

The Department of Defense (DoD) Key Asset Protection Program (KAPP) is a planning mechanism designed to meet the specific responsibility of the Secretary of Defense outlined in Executive Order (E.O.) 12656 (National Security Emergency Preparedness, or NSEP). From its inception in 1984, KAPP has stressed flexibility to deal with all risks that are foreseeable through the 1990s. The primary objective of KAPP is to identify U.S. industrial and infrastructure facilities which are critical to DoD and to plan for their continued functioning in time of national security emergency. E.O. 12656 requires that the Department of Justice and the Federal Bureau of Investigation (FBI) support--and that the Federal Emergency Management Agency (FEMA) coordinate--the programs of all Federal departments; and both the FBI and FEMA support DoD in KAPP as appropriate. A major element of KAPP is the Key Assets List (KAL), which is developed, maintained, and classified by the Commander In Chief, Forces Command (CINCFOR), who is a major commander of U.S. Army Active and Reserve Forces and oversees training and mobilization of the Army National Guard. The KAL is dynamic, and is updated continuously to add and delete specific facilities as DoD needs and interests change. This paper addresses KAPP from a DoD perspective, provides an overview of functional elements, and describes how the program received heightened interest and support when it was activated during the 1990/91 Desert Storm/Desert Shield wartime scenario.



The DoD Key Asset Protection Program (KAPP) - - like Executive Order 12656, entitled "National Security Emergency Preparedness (NSEP)" - - is a planning mechanism devised in the later years of the "Cold War" with close attention to its adaptability for an uncertain future. From its inception in 1984, through its revision in 1989, to today, KAPP has stressed flexibility to deal with all risks that are foreseeable for the 1990s. The primary objective of KAPP was - - and is - - to identify those industrial and infrastructure facilities in the United States, which are not owned by the Department of Defense (DoD) but are absolutely essential to DoD's ability to mobilize and operate during any level of national security emergency.

The Key Assets List (KAL) is developed, maintained, and classified by the Commander in Chief, Forces Command (CINCFOR), who is a major commander of Army Active and Reserve forces in the United States, and oversees training and mobilization of the Army National Guard. The KAL is dynamic, and is updated continuously to add and delete specific facilities as DoD needs and interests change. The number of listed industrial and infrastructure facilities is likely to decline (or grow less rapidly) as the defense budgets are reduced and military institutions, weapons systems etc. are eliminated; but the criticality of each remaining facility will therefore increase.

KAPP is designed to sustain continuous planning by Defense elements, focusing especially on the close relationships of the Army National Guard with State law enforcement. Physical Security Plans are prepared to ensure that military forces can respond with civil law enforcement agencies to secure any or all "Key Assets,"

if necessary, in any emergency. Therefore, KAPP provides a highly flexible capability for response to warning of all threats.

Implementation of war plans would place Federalized National Guard forces under the authority of the Commanders In Chief (CINCs); but the Army National Guard also is the most likely first responder for the Governor if police capabilities are not adequate for any peacetime emergency. Although war plans would be implemented only on the order of the President or the Secretary of Defense in time of a declared national security emergency or war, Physical Security Plans for Key Assets can facilitate the Guard's response in peace or war. The plans are based on vulnerability analyses made by National Guard State Area Commands (STARCS), with assistance from the Defense Investigative Service and, in some cases, from the Army Corps of Engineers. The guard coordinates those plans with State law enforcement agencies as appropriate.

In the event of peacetime attacks by terrorists or others on U.S. soil, the National Guard forces provide to each State a very substantial capability to augment State and local police and civil defense resources. That option could prove in time that planning accomplished under KAPP is the most effective contribution the Department of Defense can make to peacetime deterrence of attacks by either domestic or foreign terrorists in the United States, particularly attacks on technological and infrastructure targets.

KAPP is a program of the Defense Department to meet the specific responsibility of the Secretary of Defense under E.O. 12656, to plan for the continued functioning of facilities and resources that are critical to DoD in time of national security emergency. Similar responsibilities of the Heads of other Federal departments and agencies have similar responsibilities, which must be met through their own programs. E.O. 12656 requires that the Department of Justice and the Federal Bureau of Investigation (FBI) support - - and that the Federal Emergency Management Agency (FEMA) coordinate - - the programs of all departments; and both the FBI and FEMA support DoD in KAPP as appropriate.

KAPP pre-dated E.O. 12656 (signed in 1988), and was known to the inter-departmental emergency planning community as a developing model while that document was being drafted. In August of 1984, Secretary of Defense Casper ("Cap") Weinberger gave these instructions to leadership within DoD:

"In view of the nature of the current threat we face,...the priority objective of all land defense [of the United States] plans is to ensure the continued ability of the nation to mobilize, deploy, and sustain its military forces during any national security emergency, by defeating, through both passive and active defense measures, any threat to disrupt these functions by sabotage or direct ground attack on key facilities.

"In the large majority of instances, the responsibility for this aspect of the land defense mission rests primarily with local, state, and Federal law enforcement authorities. The Department of Defense, however, must participate fully in the planning and must be prepared, in concert with the appropriate authorities, to assist in the protection of the facilities."

The Secretary's guidance also led the Joint Chiefs of Staff to direct KAPP war planning. That initial guidance was codified in a DoD Directive, which is implemented by a more detailed Regulation, followed by the required list and plans.

KAPP emphasizes the responsibility of DoD acquisition and logistics executives to identify the most strategic and irreplaceable contractor facilities and those public facilities that are essential to support them; but heads of all DoD Components are required to identify Key Assets that support their functions and operations. Other departments of the Federal Government (e.g., the Departments of Energy and Transportation) also are encouraged to nominate Key Assets based on the stringent requirement that their nominations directly contribute to DoD's ability to mobilize, deploy and sustain military forces; and FEMA coordinates nominations from the inter-departmental community to DoD. (While DoD-owned facilities are not covered by KAPP, other programs ensure their physical security in environments of war, terrorist threat, or civil disturbances.)

Identifying essential facilities within the Nation's energy, communications, transportation, and governmental "infrastructure" is the most difficult task in KAPP, whether those nodes support industry or DoD bases or other facilities. For example, after several false starts with governmental sources, DoD employed an experienced independent contractor to develop a list of electric power facilities that are most critical to support our military installations and the Nation's military-industrial base; and that study added more than 300 items to the KAL. Also, although the

telecommunications community first suggested approximately 3,000 facilities and found it difficult to reduce that list at FORSCOM's insistence, less than two dozen of the most critical facilities were quickly added to the KAL to support DESERT SHIELD.

While wartime mobilization is the most stressing scenario for which KAPP is designed, KAPP has been developed with the flexibility to facilitate military response to any level of crisis. Therefore, in August of 1990, many in DoD, as well as other agencies of the Government and several sectors of the private sector, expressed heightened interest in KAPP, when U.S. Armed Forces mobilized and deployed for DESERT SHIELD. The level of interest increased sharply again as the air war began in Iraq and Kuwait five months later. As various old adages recognize, there was both "Good News" and "Bad News" in the realities of KAPP for DESERT STORM.

When deployment to Saudi Arabia was ordered in August 1990 ("DESERT SHIELD"), the good news of KAPP was that a viable mechanism was in place for all Defense organizations to address these questions efficiently: What is both critical and vulnerable? How do we plan to protect it? There was bad news, however, in the fact that so few Physical Security Plans actually had been completed (less than 300 of approximately 1,000 listed Key Assets).

Nevertheless, all DoD Components promptly were asked to identify those Key Assets that were particularly critical for the crisis at hand. As those were rapidly identified, plans were made for active measures to use military forces in support of law enforcement if necessary. Passive measures, such as "construction options," also

were developed by the U.S. Army Corps of Engineers. When the uniquely short war ended, we were developing Physical Security Plans daily; and we were on the verge of funding the historic first execution of a KAPP construction option.

As tens of thousands of troops deployed to the Persian Gulf area of operations, Defense planners were well aware that there could be shortages of troops necessary to implement many of the Physical Security Plans for Key Assets simultaneously. However, the President had authorized the mobilization of up to 1 Million National Guard and Reserve personnel, and only 231,000 were on Active Duty at the peak of DESERT STORM. Therefore, plans called for rapidly mobilizing other Guard or Reserve units if needed for KAPP or other domestic emergency missions.

When unexploded but "live" pipe bombs were discovered on several chemical tanks in Norfolk, Virginia, in February of 1991, the planning and liaison network for KAPP proved its capabilities for rapid response. Even as the FBI and police authorities were responding to disarm the bombs and determine their origins (ultimately proved to be attempted insurance fraud), the U.S. Navy Reserve Liaison Officer to the STARC for Virginia was on the scene and keeping the National Guard and military chain of command informed.

Only a short time was required to determine that the chemical tanks were not in fact on the KAL, and within a few hours the FBI ascertained that the threat was not in fact war-related sabotage or terrorism. During those hours, however, the Virginia National Guard stood ready to promptly deploy Guard forces, and CINCFOR

stood ready to employ Active Component forces, to secure any potentially threatened Key Assets in the Tidewater area if necessary. Throughout that period, all levels of military command, up to the Office of the Secretary of Defense and the Joint Staff, were kept informed and prepared to respond effectively to any warning that might come from the FBI or State law enforcement agencies.

Since 1984, those responsible for developing KAPP have recognized that the most likely purpose for executing any Physical Security Plan to protect a Key Asset would be to assist law enforcement in dealing with a "terrorist" or "civil disturbance" threat. DESERT STORM produced heightened awareness of that possibility; but it subsequently led to complacency when no terrorist threat or attack materialized.

We know today that the speed with which the U.S. expelled Iraq's professional intelligence agents (centered in its diplomatic missions), plus the outstanding cooperation between counterterrorism forces around the world during DESERT SHIELD / STORM, may have been far more effective than similar actions could be in future contingencies. That would be true in particular if there was less unanimity of worldwide and U.S. support for military action. We also know that political goals of pure terrorism (as contrasted with action terrorist organizations might take in sympathy with some military strategy) could lead to attacks on the inherently vulnerable U.S. infrastructure in some circumstances.

Both planning and execution may require cooperation of private sector and civil government facility owners, as well as civil police authorities. Attacks can occur by covert operations, or by either coincidence or plan in connection with civil disturbances -- in which attackers are merely criminals and not foreign enemies under our legal system. KAPP assumes that warning of possible sabotage attacks by enemies of the U.S. will be given through both police and military intelligence channels. Yet, it is apparent that the most certain warning of danger could be actual destruction or damage to some Key Assets in either an attack or a civil disturbance environment.

The process of military planning with the civil sector to protect individual Key Assets is led by the Commander In Chief, Forces Command, for the 48 contiguous States and the District of Columbia, by the Commander In Chief, U.S. Pacific Command, for Alaska, Hawaii and the U.S. Pacific territories, and by the Commander In Chief, U.S. Atlantic Command, for Puerto Rico and the Virgin Islands. Under their planning direction, KAPP emphasizes development of the capabilities of the National Guard for use in either State or Federal status. In Federal status, however, the Guard would be employed under the same legal constraints as other Federal forces.

Department of Defense policies and plans for employing military forces within the United States, the District of Columbia, and U.S. territories, are founded on our adherence to the separation between legal responsibilities of the military and those of civil law enforcement. While the distinction may seem obscure to the general public, if terrorists who are covertly sponsored by a foreign power operate on U.S. soil, their actions are not more than criminal acts until their sponsorship and the nature of their activities can be determined to be an act of war or insurrection. Similarly, domestic terrorist organizations almost always would be dealt with as common criminals. And, the Defense Department is not in the business of enforcing criminal laws.

Primacy of civil law enforcement and the civil judicial system over the military is fundamental to our Constitution, laws and societal values. In sum, the military only provides secondary support, at the request of civil authorities, when needs of law enforcement exceed civil capabilities. Therefore, the most likely deployment of military forces to secure Key Assets can be expected to follow the same rules as our historic deployments to support police agencies in civil disturbance operations. This important constraint is recalled throughout the emergency planning activities we call KAPP.

The Defense Department has procedures and plans for assisting both Federal law enforcement and the States, plus years of practical experience in such operations. The unique dual roles of the National Guard as a State agency ("militia") and a contingent Federal Force are the focal point of our planning.

Federal military assistance is provided only when the President authorizes military activity (with oversight from the Department of Justice) in response to a formal request from appropriate Federal or State officials; but a Governor can employ the National Guard forces under State (or territorial) law at any time.

Terminology causes some confusion. FEMA, the FBI, and others sometimes use the generic term "key assets" to describe the very broad range of potentially significant facilities included in their responsibilities under E.O. 12656. However, that term is not used in E.O. 12656; and when the words are capitalized in DoD documents, they have a very tightly defined meaning. The Los Angeles civil disturbance in May of 1992 heightened awareness of needs for coordinated civil and military plans (and training) to protect a wide range of facilities, which are critical to many responsible agencies, whether they are defined as DoD Key Assets or not.

Regardless of the inclusion of any facility in the KAL, military forces cannot be deployed to defend a privately owned facility unless Federal or State civil authorities request assistance from the President. Even then, Federal military forces can operate only in the role of assisting the State or Federal law enforcement agencies; and the U.S. Attorney General normally provides the senior Federal official on scene. However, if the President directs the Secretary of Defense to defend "Federal property or functions", DoD can respond immediately with any forces, regardless of State action.

As demonstrated most recently in Los Angeles, the National Guard can be ordered into Federal Service on short notice, if circumstances warrant that drastic action. When provided in peacetime, Federal military support to law enforcement historically has been directed by the Secretary of the Army, who acts as executive agent for the Secretary of Defense in providing oversight for a joint military task force.

Before DESERT SHIELD, KAPP amounted to a rather slow and bureaucratic effort within DoD to make lists, conduct vulnerability analyses and develop military contingency plans. It received very little civil government or private sector interest or participation. Experience during DESERT SHIELD / STORM proved the flexibility and effectiveness of KAPP as a concept. It gave KAPP vitality for future development within DoD and as a partial model for planning by other Federal departments and agencies.

KAPP and related planning concepts are likely to continue to gain visibility in the future, as government, industry and society recognize steadily growing risks and vulnerabilities to the Nation and its infrastructure.