



MEMORANDUM OF AGREEMENT
BETWEEN
THE DEPARTMENT OF DEFENSE
AND
THE DEPARTMENT OF HOMELAND SECURITY
REGARDING DEPARTMENT OF DEFENSE AND U.S. COAST GUARD COOPERATION ON
CYBERSECURITY AND CYBERSPACE OPERATIONS

1. PURPOSE: To prescribe the U.S. Coast Guard's role regarding the Department of Defense (DoD) Information Network (DoDIN) and in support of DoD cyberspace operations, and to prescribe DoD's support of Coast Guard cyberspace operations and its role concerning Coast Guard-operated DoDIN systems and networks.
2. AUTHORITIES:
 - a) The Coast Guard is at all times a military service and branch of the armed forces of the United States. The Coast Guard is a distinct entity within the Department of Homeland Security (DHS), except when Congress directs in a declaration of war or when the President directs that the Coast Guard shall operate as a service in the Navy. (14 U.S.C. § 1, 10 U.S.C. § 101, 6 U.S.C. § 468).
 - b) The Coast Guard may assist DoD in the performance of any activity for which the Coast Guard is especially qualified, and with the consent of the Secretary of Defense, the Coast Guard may avail itself of such DoD officers and employees, advice, information, and facilities as may be helpful in the performance of its duties (14 U.S.C. § 141).
 - c) DoD protects and defends DoD information, information systems, and information networks that are critical to DoD and the armed forces during day-to-day operations and operations in times of crisis (10 U.S.C. § 2224).
 - d) DoD may support time-critical, short-duration Maritime Homeland Security Operations, defined as time-critical requests by the Coast Guard for DoD support in countering immediate maritime security threats lasting less than 48 hours (2006 DoD-DHS Memorandum of Agreement for Department of Defense Support to the United States Coast Guard for Maritime Homeland Security).
 - e) The Chairman of the Joint Chiefs of Staff and the Commandant of the Coast Guard jointly review respective DoD and Coast Guard capabilities to identify, document, and plan appropriate roles, missions, and functions of the Coast Guard in support of the National Military Strategy and other national-level defense and security strategies (DoD-DHS Memorandum of Agreement on the Use of U.S. Coast Guard Capabilities and Resources in Support of the National Military Strategy, May 20, 2008 (hereafter 2008 MOA)).

- f) The Coast Guard may support the National Military Strategy and other national-level defense and security strategies (2008 MOA).
3. **BACKGROUND:** Cyberspace operations and cybersecurity activities require close coordination, flexibility, time-critical response, and immediate access to capabilities and associated forces within and between DoD and DHS.
- a) DoD's highest priority mission in cyberspace is securing and defending the DoDIN. To this end, DoD conducts network defense operations on an ongoing basis to operate the DoDIN securely.
 - b) The Coast Guard uses and operates information systems and networks connected to or operating under the DoDIN. These networks promote readiness within the armed forces and national security and national defense missions.
 - c) As a service in and a component of DHS, the Coast Guard supports the DHS cybersecurity mission to enhance the security, resilience, and reliability of the nation's cyber infrastructure.

With this in mind, the Department of Defense and the Department of Homeland Security endeavor to establish a stronger and more collaborative relationship between U.S. Cyber Command and U.S. Coast Guard Cyber Command on matters of mutual interest.

4. **ACTION:** The Secretary of Defense and the Secretary of Homeland Security agree to the following:
- a) The Coast Guard will adhere to DoD cybersecurity requirements, standards, and policies, and will be responsive to the direction of Commander, U.S. Cyber Command, for Coast Guard-operated DoDIN systems and networks and for Coast Guard information systems and networks that directly affect the DoDIN and DoD mission assurance, while complying with DHS oversight and compliance requirements for acquisition, the Federal Information Security Management Act, and financial audit reporting.
 - b) For purposes of securing, operating, and defending the DoDIN, Coast Guard Cyber Command will be responsive to the direction of, and report to, the Commander, U.S. Cyber Command. DoD is also responsible for defending Coast Guard operated DoDIN systems and networks as part of its overarching defense of the DoDIN.
 - c) Commander, U.S. Cyber Command, is permitted to operate on Coast Guard-operated information systems and networks that directly affect the DoDIN and DoD mission assurance for the purposes of securing, operating, and defending the DoDIN.

- d) Commander, U.S. Cyber Command, is authorized, under applicable legal authorities (e.g., section 1535 of title 31 (“the Economy Act”) and chapter 15 of title 10, U.S.C.), to approve support, on a reimbursable basis, to the Coast Guard for its non-DoDIN systems and networks. Such authority does not include support to law enforcement investigations or activities (see DoD Instruction 3025.21). Commander, U.S. Cyber Command, will notify the Chairman of the Joint Chiefs of Staff and the Assistant Secretary of Defense for Homeland Defense and Global Security (ASD(HD&GS)) upon approval of such support.
 - e) The 2008 MOA governs the role of the Coast Guard in support of DoD cyberspace operations. The Chairman of the Joint Chiefs of Staff and the Commandant of the Coast Guard will develop and sign an annex to the 2008 MOA concerning the employment of Coast Guard Cyber capabilities in support of the National Military Strategy within 180 days of the last signature to this Memorandum of Agreement (MOA). The Chairman will notify the Secretary of Defense and the ASD(HD&GS) and the Commandant of the Coast Guard will notify the Secretary of Homeland Security of the contents of this annex. When employing Coast Guard Cyber capabilities in support of the National Military Strategy, Coast Guard Cyber Command remains under the operational control of the Commandant of the Coast Guard, unless otherwise agreed.
 - f) The Chairman of the Joint Chiefs of Staff and the Commandant of the Coast Guard may provide supplemental guidance to this MOA through annexes to this MOA. Such annexes must be individually approved and signed by the Commandant of the Coast Guard and the Chairman of the Joint Chiefs of Staff. Additional annexes should establish relevant procedures for request, approval, and notification and should identify, as necessary, the critical networks or systems that are necessary for the DoD and/or Coast Guard missions that will be subject this MOA. The Commandant of the Coast Guard will inform the Secretary of Homeland Security of the contents of annexes to this MOA. Likewise, the Chairman of the Joint Chiefs of Staff will inform the Secretary of Defense and the ASD(HD&GS) of the contents of the annexes to this MOA.
 - g) This MOA does not commit or obligate funds.
5. **EFFECTIVE DATE:** This agreement is effective upon signature. It may be amended in writing by mutual agreement between the Secretary of Defense and the Secretary of Homeland Security. It terminates upon written notification by either signatory of the intent to cease participation in this MOA,¹ but the terminating party should provide notice of at least 30 days. The annexes to this MOA may be amended and revised by mutual written agreement between the Commandant of the Coast Guard and the Chairman of the Joint Chiefs of Staff.

¹ The Secretary of Defense approves an exception to the policy in DoD Instruction 4000.19 that requires agreements to have an expiration date not to exceed 9 years from the date they are signed by both parties.

Department of Defense

Ash Carter

SECRETARY OF DEFENSE

Date: JAN 19 2017

Department of Homeland Security

[Signature]

SECRETARY OF HOMELAND SECURITY

Date: Jan 17, 2017