

CHAPTER 13

MILITARY ASSISTANCE TO CIVIL AUTHORITIES

Section I. GENERAL

13-1. Introduction

There are numerous situations and established plans to provide assistance to civil authorities by the Department of Defense (DOD).

a. Domestic Emergency. The term “domestic emergency” includes any or all of the emergency conditions defined below.

(1) *Civil Defense Emergency.* A domestic emergency disaster situation resulting from devastation created by an enemy attack and requiring emergency operations during and following attack. It may also be proclaimed by appropriate authority in anticipation of an attack.

(2) *Civil Disturbance.* Any riot, act of violence, insurrection, unlawful obstruction or assemblage, or other disorder, prejudicial to public law and order within the 50 States, District of Columbia, Commonwealth of Puerto Rico, US possessions and territories, or any political subdivision thereof. The term “civil disturbance” includes all domestic conditions requiring use of Federal Armed Forces pursuant to the provisions of chapter 15 of title 10, United States Code.

(3) *Natural Disaster.* All domestic emergencies except those created as a result of enemy attack or civil disturbances. (The term “natural disaster” includes emergencies resulting from acts of nature and other disasters such as those created by the loss of control of radioactive or other hazardous materials, including gases and exotic fuels.)

(4) *Major Disaster.* Any flood, hurricane, or other catastrophe which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of State and local governments in alleviating the damage, hardships, or suffering.

b. Civil Defense. Civil defense is defined as, “All those activities and measures designated or undertaken to: (i) minimize the effects upon the civilian population caused, or which would be caused, by an enemy attack upon the United States; (ii) deal

with the immediate emergency conditions which would be created by any such attack; and (iii) effect emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack.” AR 500-70 states that civil defense is the “planned and organized action aimed at the protection of life and property and the maintenance or restoration of essential services and facilities in war-caused emergencies.” Employment of DOD military resources to assist civil authorities in controlling civil disturbances is normally by presidential directive authorizing the Secretary of Defense to restore law and order in a certain locality. There are numerous plans which require support from DOD which will not be examined in detail but which require identification.

(1) *Postal Augmentation Plan.* This plan pertains to the DOD rendering assistance to the United States Postal Service (USPS) to safeguard, process, and deliver the US mail when ordered by the President. DOD guidance is contained in DOD Directive 5030.50.

(2) *The Emergency Animal Disease Eradication Plan.* This plan covers DOD assistance to the Department of Agriculture in the Emergency Animal Disease Eradication Program to swiftly and effectively eradicate animal and poultry disease outbreaks resulting from the accidental or intentional introduction of exotic foreign diseases.

(3) *Oil and Hazardous Substance Pollution Prevention and Contingency Programs* This program, established by DOD Directive 5030.41, implements the National Oil and Hazardous Pollution Contingency Plan and the Environmental Protection Agency (EPA) regulations on pollution prevention.

(4) *The National Search and Rescue Plan.* This plan pertains to the cooperative efforts by Federal, State, and local governmental and volunteer organizations in the conduct of search and rescue operations (SAR).

(5) *Other Emergency Plans.*

(a) In addition to the emergency plans listed above, several other emergency plans may be developed by major military commands and installations in support of other Federal agencies and/or State and local governments. Some of these plans are:

1 Support of Aircraft Piracy Emergencies.

Army support for this type of emergency is provided in accordance with AR 500-1.

2 Support of Fire Suppression Operations for Combating Forest and Grassland Fires in Continental United States (CONUS). This plan is based on a memorandum of understanding between DOD and the Departments of Agriculture and the Interior. This type support is furnished under the provisions of DOD Directive 3025.1, the Disaster Relief Act of 1974 (Public Law (PL) 93-288), and Executive Order 11775, 11 July 1974.

(b) In oversea areas, an important plan in which DOD supports the State Department is the Protection and Evacuation of US Citizens and Certain Designated Aliens in Danger Areas Abroad (short title, the Noncombatant Evacuation). The responsibilities for planning for operations of this type by the DA Staff and major oversea commanders are stated in AR 525-12, which implements DOD Directive 5100.51.

13-2. DOD Policy

a. Primary responsibility for alleviating effects of disasters or other domestic emergencies rests with individuals, families, private industry, local and State governments, the American National Red Cross, and Federal civil agencies having special statutory responsibilities. When the extent of the emergency is beyond the capabilities of the private sector, local, State, and Federal Government agencies to alleviate, emergency, military resources may be called upon to provide humanitarian relief.

b. It is DOD policy to provide military assistance to civil authorities in domestic emergencies in the United States, its territories, and possessions. When assistance is requested or directed in accordance with public laws, executive orders, and DOD directives, military assistance to civil authorities is undertaken only within prescribed authority except when:

(1) Humanitarian factors compel immediate action to prevent starvation, extreme suffering, and property loss.

(2) Local resources available to State and municipal authorities are clearly inadequate to cope with the situation.

c. Policies and procedures governing employment of military forces in support of civil authori-

ties differ, depending on the type of domestic emergency. In general, it is DOD policy that the military departments:

(1) Be prepared to furnish assistance to civil authorities for a limited period in domestic emergencies, utilizing resources not required in the execution of their essential military missions and, in the case of a civil defense emergency, resources not required in self-survival operations.

(2) Be prepared to maintain or support the reestablishment of law and order and protection of life and property in the event civil control or leadership is destroyed or overwhelmed. This military control will be withdrawn when civil control is reestablished.

(3) Develop plans or procedures at appropriate echelons of command for emergency employment of their resources to assist civil authorities in domestic emergencies.

d. Initially, assistance to civil authorities in domestic emergencies is provided by the military service having available resources nearest the afflicted area. The commander providing initial assistance during a natural disaster may be relieved, or his force augmented by other military commanders, within the affected area to the extent required, by mutual agreement between the senior service commanders concerned. In military support of civil defense operations, employment of multiservice forces engaged in the same operational area will be in accordance with procedures jointly established in area military support of civil defense plans.

e. A military commander, in making his resources available to civil authorities, is subject to no authority other than that of his superior in the military chain of command.

13-3. Responsibilities

a. The primary responsibility for coordinating both the planning and provision of military assistance to civil authorities in domestic emergency is assigned to the Department of the Army (DA). The Departments of the Navy and the Air Force render such assistance to DA consistent with the requirements of their primary missions.

b. The Secretary of the Army is the executive agent for DOD for planning, deployment, and employment of military resources to control civil disturbances, both inside and outside CONUS.

(1) The Secretary of the Army (or his designee) provides policy and direction to all military departments, the Joint Chiefs of Staff (JCS), the commanders of unified and specified commands con-

cerned, and all defense agencies for use of their military resources, including Reserve components, in civil disturbance operations. As executive agent, the Secretary of the Army accomplishes the necessary coordination, reporting, and procedural functions to develop, review, and implement civil disturbance plans and conduct operations.

(2) DA provides military support in domestic emergencies within CONUS when civil authorities cannot operate without this support.

(3) The Corps of Engineers:

(a) Division and District Engineers provide direct assistance to civil authorities in flood fighting, flood rescue work, and the repair or restoration of flood control works as authorized by PL 84-99.

(b) To mitigate results of disasters, direct coordination on disaster matters is exercised by the Division and District Engineer Offices with CONUS Army headquarters and with FEMA regional offices.

(4) US Army Information Systems Command (USAISC) provides commercial circuit leasing actions; specialized communications support to designated FEMA field teams and Army task forces; and operates fixed (nontactical) communications facilities at the US Army Forces Command (FORSCOM) and US Army Training and Doctrine Command (TRADOC) installations.

(5) Other major Army commands (MACOM) provide forces and resources to assist in alleviating the effects of disasters or other domestic emergencies consistent with assigned defense priorities.

(6) Army National Guard forces, not in active Federal service, remain under control of the State Governor and are included in the local resources available to civil authorities. Federally owned National Guard equipment may accompany a unit when ordered by a governor to assist civil agencies in domestic emergencies.

c. The JCS is responsible for maintaining a strategic reserve for worldwide employment and contingency operations. They establish procedures for transfer of military resources assigned to unified/specified commands to military departments or other unified commands for civil disturbance operations inside and outside CONUS. The JCS issues directives to unified/specified commands for employment of military resources for civil disturbances in areas outside CONUS.

d. The Secretaries of the Navy and the Air Force coordinate with and assist the Secretary of the Army in planning and furnishing support to civil authorities in domestic emergency operations. The support which they provide must be consistent with defense priorities.

(1) The Secretary of the Navy will order to active duty members of the Naval Reserve and Marine Corps Reserve if required for utilization. He also makes available to the Secretary of the Air Force available airlift resources.

(2) The Secretary of the Air Force designates elements of the Air National Guard to be called to Federal active service and orders members of the Air Force Reserve to active duty. In addition, he provides airlift and other required air support for civil disturbance operations. He also acts for the DOD executive agent as coordinating authority for DOD military and commercial airlift resources.

e. Commanders of unified commands outside of CONUS plan for and conduct civil disturbance operations within assigned areas of responsibility. They must organize, train, support, and maintain in readiness forces for these civil disturbance operations, consistent with defense priorities. If needed, they request additional forces from JCS and DOD executive agents.

f. Other Federal and civilian agencies:

(1) The Federal Emergency Management Agency (FEMA) is responsible for directing and coordinating Federal assistance in major disasters. Federal disaster relief operations are directed through the Administrator, FEMA regions, and a designated Federal coordinating officer (FCO).

(2) The Boise Interagency Fire Center (BIFC), under control of the Departments of Agriculture and the Interior, coordinate operations in forest and grassland fire emergencies.

(3) The General Services Administration (GSA) provides leasing action for Federal Telecommunications Services (FTS) and facsimile machines in disaster areas for use in communications with FEMA regional headquarters.

(4) The American National Red Cross, operating under a charter from Congress, is the official volunteer disaster relief agency of the American people. While Federal agencies deal primarily with State and local governments, the Red Cross plays a vital role in disasters by providing grants and other types of assistance to individuals and families to cover their emergency needs.

(5) The Salvation Army, Mennonite Disaster Service, and other relief or disaster assistance organizations, although not established by Federal law, cooperate and participate in disaster relief operations within their capabilities.

(6) The Environmental Protection Agency (EPA) provides for the coordination of Federal response to control a spill of oil or other hazardous substances on inland US waters.

(7) The US Coast Guard, a Department of Transportation agency, provides assistance to civil authorities in the protection of life and property in maritime disasters. The US Coast Guard:

(a) Exercises broad statutory authority for rendering aid to persons and protecting and saving property when Coast Guard facilities and personnel are available and can be used.

(b) Furnishes the onscene coordinator to supervise operations in the event of a spill of oil or other hazardous substance in coastal and contiguous zone waters, the high seas, and the Great Lakes, ports, and harbors.

(c) Coordinates, through district Rescue Coordination Centers (RCC), SAR operations in the maritime region.

13-4. Concept of Support

a. Support may be provided in several forms; i.e., commitment of resources (supplies and equipment) under the control of CONUS Army headquarters; arranging for the direct shipment of supplies and equipment from the US Army Materiel Command (AMC), Defense Logistics Agency (DLA), and GSA activities and/or other sources not under control of CONUS Army headquarters to a disaster area; and coordinating the logistical support of committed forces as necessary.

b. Military support to civil authorities is on a minimum essential basis and is terminated at the earliest practicable time.

c. Current logistics policies and directives apply with respect to supplies and equipment committed to disaster relief activities. Additionally, chapter 3, AR 500-60, will be followed without exception.

d. Military resources committed in support of an emergency plan are under the operational control of the designated disaster control officer.

e. Materiel support:

(1) Disaster area supplies and equipment are preferably obtained from the appropriate item inventory manager. Items may be drawn from the nearest depot, station stocks, or withdrawn from active duty troops.

(2) Military resources for disaster relief include equipment and supplies of all DOD agencies.

(3) Military supplies and equipment are not set aside for use in connection with disaster relief activities.

(4) All requests for supplies and equipment in support of disaster relief are identified with a specific project code provided by AMC through appropriate CONUS Army headquarters. All requests/requisitions will use priority designator (PD) "03"

unless otherwise directed by responsible CONUS Army headquarters.

f. Plans are made locally for the return of supplies and equipment loaned to task force units or civil authorities. Basic to this plan is an adequate hand-receipt system to provide an audit trail for loaned equipment. This audit trail is essential to fix responsibility, especially in the case of loss or damage of equipment.

13-5. Logistics Support for Troops Committed to Emergency Operations

a. The plans for support of emergency operations, like those for combat operations, must prescribe how the military forces being employed are to be supported and who is responsible for providing this support. Each plan should include an Administration and Logistics paragraph or separate annexes, as appropriate, describing how the employed forces will be supported.

b. In developing plans for emergency operations, the following general guidance for logistics support of employed military forces must be considered:

(1) Forces deploying to disaster areas are equipped at home station with accompanying supplies to perform their assigned support mission and to be self-sustaining to the maximum extent possible.

(2) Logistics support to committed forces is normally provided by the installation assigned support responsibility for the particular area by AR 5-9 (with FORSCOM/TRADOC Supplements). When a Disaster Control Element (DCE) is established, logistics support is provided by the installation providing the DCE.

(3) Unless directed otherwise, supply units will deploy with only mission-essential Table of Organization and Equipment (TOE)/Modification Table of Organization and Equipment (MTOE)/Tables of Distribution and Allowances (TDA) and individual equipment. Three days of class I (operational rations (MRE)) will accompany units. Only the minimum necessary quantities of classes II, III, VII, VIII, and IX will be deployed with the troops. Special tools, supplies, and equipment (such as special protection devices) of unusually large quantities required for use in an emergency should be identified in each plan.

(4) Services:

(a) *Billeting.* Every effort will be made to billet forces in suitable indoor facilities under the control of military services (armories, training centers, etc.) or those of other Federal agencies. If

indoor facilities are not available, the troops must be prepared and equipped to bivouac under field conditions in areas under US Government control. When US Government-controlled facilities are not available or inadequate, requests are made for use of State or locally owned facilities or for contracting of facilities from other sources.

(b) *Food Service.* As soon as possible after units arrive in the emergency area, supporting commanders will provide T Rations and "B" rations with "A" ration supplements available. Soldiers should be fed at a central location when possible. Messes operate around the clock, as necessary, to support the shifts required to accomplish emergency tasks. For isolated personnel who cannot be fed at a central facility, box lunches or operational rations will be provided or food from the central facility will be transported to them. Necessary refrigeration for perishable subsistence is provided by the supporting installation commander by issuing suitable equipment or by contracting arrangements for commercial equipment.

(c) *Laundry Service.* Laundry service at Government expense is provided at the earliest possible date to military forces when deployed away from their home stations. When possible, this service will be provided by Government fixed or mobile laundry facilities. If suitable Government facilities are not available, the supporting commander can make contractual arrangements to provide the service by commercial facilities. In either case, processing time should not exceed 48 hours. Cost for this service is charged to OMA funds. Each military service supports the costs for laundry service provided its deployed personnel by either a military facility or a commercial facility.

(d) *Bath Service.* Bath service is provided by the nearest military installation, by mobile bath units or by making arrangements for use of local facilities (schools, armories, recreational facilities, etc.).

(e) *Medical Service.* Medical service is provided by organic TOE/MTOE/TDA/Modification Tables of Distribution and Allowances (MTDA) medical personnel/organizations. Backup medical support and hospitalization is provided by the supporting installation commander from resources under his control, or through arrangements with other military services/US Government agencies or other sources, as prescribed by The Surgeon General (TSG) for medical support in CONUS.

(f) *Mortuary Service.* Mortuary services for deceased members are the responsibility of each service. Remains of deceased active duty Army personnel are processed as prescribed in AR600-10

and AR 638-40. Remains of deceased personnel of the US Navy, US Air Force, or US Marine Corps are processed as prescribed by their respective regulations.

(g) *Contracting Service.* The deployed force must have the capability to award, administer and close out contracts.

(5) Upon order, military forces and accompanying equipment will move from home station to affected emergency areas by the most expeditious mode of transportation. Military transportation is used to the fullest extent in moving to and from disaster areas. Requirements in excess of unit organic capabilities are the responsibility of the installation deploying the force.

(a) For air transportation, the commander of the installation from which the forces are deployed is responsible for providing necessary ground transportation from the home station to the departure airfield and necessary Departure Airfield Control Groups. The support installation commander receiving deploying troops must provide necessary arrival airfield control groups and ground transportation from the arrival airfield to the final destination.

(b) Transportation within the emergency area is the responsibility of the task force commander. Additional transportation required is requested from the supporting installation commander.

(6) Support beyond the organic capabilities of the unit is provided by the supporting installation commander through the use of mobile direct support (DS)/general support (GS) teams or through arrangements with US Army Reserve (USAR)/US National Guard (USNG) maintenance support activities, or other installation commanders. Assistance by logistics assistance representatives associated with the AMC Logistics Assistance Program can be requested as needed.

(7) Engineering support for the acquisition, lease, and disposal of real estate in the emergency area is obtained from the appropriate division/district engineer.

13-6. Reimbursable Expenses Incident to Emergency Operations

a. DOD components can request reimbursement from the appropriate responsible agencies for support furnished these agencies as the result of presidential declared disasters or emergencies and certain other emergencies when military support was requested by the responsible civil authorities.

b. The commander of the Army installation furnishing the support prepares all billings on Standard Form 1080 and sends that, together with all supporting documents, through channels to the Army Comptroller for the necessary collection action, as indicated in the appropriate emergency plan.

c. Military expenses incident to disaster relief participation for which reimbursement may be requested includes:

(1) Pay of additional civilian personnel temporarily hired especially for the disaster relief operation without regard to the Civil Service Laws and the Classification Act of 1923, as amended.

(2) Overtime pay of civilian personnel.

(3) Travel and per diem expenses (military and civilian).

(4) Cost of consumable items of supply requisitioned for issue to civilian disaster refugees.

(5) Transportation of personnel, supplies, and equipment.

(6) Port (air, ocean, inland-waterway) loading, offloading, and handling costs.

(7) Cost of repairing or reconditioning nonconsumable items returned.

(8) Cost of supplies and equipment furnished and not returned.

(9) Cost of repair parts used to repair end items located at the disaster area (excluding depot or field maintenance on time-compliance basis).

(10) Cost of packing and crating supplies and equipment.

(11) Cost of petroleum, oil, and other lubricants (including aviation petroleum, oils, and lubricants (POL)).

(12) The cost as determined by adjustment documents of supplies and equipment lost, destroyed, or damaged beyond economical repair, except aircraft, motor vehicles, and/or watercraft.

13-7. Reports

Each emergency plan prescribes the reports and reporting procedures for that plan. Each report is normally identified and becomes an appendix to a report's annex to the particular plan. These reports do not replace any existing reporting requirements. Some of the reports common to all plans are:

a. Logistics Status Reports (format at appendix F).

b. Personnel Status Report.

c. Report of Operation Costs (format at appendix E).

d. Movement Requirements Report (format at appendix G).

e. Unit Movement Report (format at appendix H).

f. Situation Report.

Section II. CIVIL DEFENSE

13-8. Authority and Objectives

By law (50 USC appendix 2251 et seq.) civil defense is a joint responsibility of Federal, State, and local governments. The national civil defense program is an integral part of national security. Military support to civil authorities in civil defense operations is an emergency task within the mission of all defense agencies and Federal active duty and Reserve component units of the military services. Military assistance is complementary to, but not a substitute for, civilian participation in civil defense. The basic objectives of the program are to:

a. Protect life and property.

b. Sustain survivors and repair essential utilities.

c. Achieve emergency operational capability.

13-9. Planning

a. A Military Support of Civil Defense Annex is included in the basic plans for defense of the United States, its territories, and possessions. Planning for military support of civil defense is directed toward the most dangerous contingency of a nuclear attack with minimum warning under conditions favorable to the attacker. Those forces which could be temporarily furnished to assist civil authorities in a civil defense emergency, together with probable availability, are designated in area support plans. Provisions are included in the plans for their withdrawal should it be necessary to employ these forces in the defense of the United States or when they are no longer required for civil defense missions.

b. All military forces (active and Reserve), other than those deployed outside the 50 States and those in the District of Columbia and the territo-

ries and possessions of the United States, are considered potentially available to provide temporary emergency support to civil authorities during certain stages of civil defense operations. The availability of forces to provide this support will vary according to the military requirement for the conduct of essential combat, combat support, or self-survival operations. Within CONUS, each military department provides the CONUS Army commanders with periodic listings of all its military forces and components located within each CONUS Army area in order of priority of probable availability for support of civil defense operations. The priority is based on the military missions of the forces reported, their location, and their capabilities to perform civil defense assistance tasks. Forces are listed by priority as:

(1) Priority I—Those forces that have a high probability of availability for civil defense support in the immediate emergency period.

(2) Priority II—Those forces that have a lower probability of availability to support civil defense in a postattack period.

(3) Priority III—Those forces least likely to be available for civil defense support operations because of the high priority of their combat and combat support missions.

13-10. Actions in Event of an Attack

If there is a nuclear attack upon the United States, military forces have an initial priority commitment of mounting offensive and defensive actions and of assisting civil authorities in danger control measures and assessing damage and danger areas in CONUS. Where extensive damage is found, the priorities assigned to civil support are evaluated against planned military combat operations requirements. Measures to insure continuity of operations, troop survival, and rehabilitation of essential military bases take precedence over military support of civil defense. Under nuclear attack conditions, military forces must be prepared to employ all resources not engaged in or directly supporting essential operations to assist civil authorities to:

- a. Restore order and civil control.
- b. Return essential facilities to operation.
- c. Prevent unnecessary loss of life and damage to property.
- d. Alleviate human suffering.
- d. Take other emergency actions as directed to insure national survival and a capability on the part of the Nation to achieve national objectives.

13-11. Responsibilities

a. The DA responsibilities are exercised through the Commander, FORSCOM, the CONUS Army commanders, and the State military headquarters or State military subarea headquarters organized for this purpose.

b. The Commander, FORSCOM, is responsible within the 48 contiguous States for establishing State military headquarters to plan for and conduct operations in support of civil defense. He is responsible for the readiness of all Army forces in CONUS to conduct emergency civil defense operations and the training of Army personnel in the basic functions of civil defense. The direction and control of resources used for civil defense, including those resources made available by other military departments and defense agencies, is exercised by the Commander, FORSCOM. He also coordinates military defense plans with civil defense plans.

c. Commanders of other MACOMs and heads of DA General and Special Staff Agencies support the requests of the Commander, FORSCOM and CONUS Army commanders in execution of their civil defense responsibilities. The Commander, USAISC is charged with operating and maintaining designated communications systems including warning and emergency systems. Overall monitoring of military support of civil defense matters within the DA Staff is exercised by the Deputy Chief of Staff for Operations and Plans (DCSOPS). Installation commanders furnish immediate supplementary support to local civil authorities where civilian control is no longer effective.

13-12. Logistics Support

a. Army contingency plans for operation in civil defense role should provide for priorities of support planning and training assistance, maximum decentralization, and use of military resources when needed to complement use of civil resources. Figure 13-1 shows the categories of assistance of civil defense.

b. Military resources used in civil defense operations remain under military control, except for those transferred directly to civil defense authorities. Logistics support of civil defense operations by DA is accomplished with minimum diversion of Army stocks. Active Army and USAR civil affairs units and individuals are given priority consideration for use in civil defense support operations because of their specialized training in functional areas of governmental operations.

LOGISTICS TASKS	SUPPORTING UNITS
Restoration of facilities and utilities e.g. power, fuel water, communications	Engineer, Signal, Transportation
Emergency clearance of debris	Engineer, Transportation
Fire protection	Engineer
Radiation monitoring and decontamination	Engineer
Rescue evacuation and treatment of casualties	Medical, Transportation (Air and Ground)
Recovery and disposition of deceased	Graves Registration
Movement control	Transportation
Issuance of food, essential supplies, and materiel	General Support and Direct Support Supply Units
Mass feeding	Mess and Bakery Teams
Damage assessment	Engineer
Emergency communications	Signal
Explosive ordnance disposal	Ordnance
Physical security	Provost Marshal's Office

FIGURE 13-1. LOGISTICS TASKS AND UNITS SUPPORTING CIVIL DEFENSE.

Figure 13-1. Logistics tasks and units supporting civil defense.

Section III. CIVIL DISTURBANCES

13-13. Responsibilities

a. State and Local Government Roles. The protection of life and property and the maintenance of public order are primarily the responsibility of

State and local governments. Local and State police are normally capable of fulfilling this responsibility. When emergency conditions exceed their capabilities, the governor of a State can commit the State National Guard. Generally, Fed-

eral Armed Forces are employed after State and local civil authorities have utilized all of their own forces which are reasonably available for use, and are unable to control the situation, when the situation is beyond the capabilities of State or local civil authorities, or when the State and local civil authorities will not take appropriate action.

b. DA Role.

(1) The Secretary of the Army is the designated executive agent for DOD in all matters pertaining to the planning for, and the deployment and employment of military resources in the event of civil disturbances. This includes calling to active Federal service units of the Army National Guard to carry out the provisions of the Presidential Executive order or other appropriate authorities.

(2) The DOD executive agent has been delegated the authority to exercise, through the Chief of Staff, US Army, the direction of those forces assigned or committed to him by the military departments.

(3) At the DA level, the Director of Military Support, Office of the DCSOPS, has General Staff responsibility for civil disturbances outside installations. For disorders occurring totally within an installation, the responsibility is that of the Deputy Chief of Staff for Personnel (DCSPER).

(4) The DOD has designated the Secretary of the Army as executive agent for providing assistance to the Federal Bureau of Investigation (FBI) in combatting terrorism in the 50 United States, District of Columbia, Commonwealth of Puerto Rico, and US possessions and territories. Terrorist incidents do not include Aircraft Piracy Emergencies. In such instances, military resources may be used, as in civil disturbances provided for in AR 500-50, to protect life or Federal property or prevent disruption of Federal functions upon request of the Director, FBI, or senior FBI official present at the scene of a terrorist incident.

c. Role of Other Military Services. The other military services are responsible for providing military resources as required by the DOD executive agent and consistent with defense priorities.

13-14. Employment of Federal Armed Forces

In addition to the provisions of the Constitution and other basic legal principles, there are numerous statutes authorizing the employment of Federal Armed Forces, in cases of violence or other specific purposes, within any State and within the territories of the United States. The possibility of employment under many of these provisions is considered remote, and only those instances where

employment is most likely are treated here. Additional constitutional and statutory provisions for the employment of Federal Armed Forces to include the prerequisites for employment are discussed in AR 500-50 and FM 19-15.

13-15. Protection of Federal Property

a. Protection of Federal property or functions by intervention with Federal Armed Forces is an accepted principle of our Government. This form of intervention is warranted only where the need for protection exists and the local civil authorities cannot or will not give adequate protection. This right is exercised by executive authority and extends to all Federal property and functions.

b. The Manual for Courts Martial, United States, 1969 is the commander's authority to maintain law and order on a military installation. The commander may take such actions as are reasonably necessary and lawful, including ejection from, or denial of access to, the installation or its activities (18 USC 1382 and AR 600-40). If appropriate, such individuals may also be apprehended or restrained. Basic guidance for the commander is found in AR 210-10 and DA Pam 27-164. For prosecution of minor offenses committed on military reservations before a United States Magistrate, see chapter 6, AR 27-40.

c. When a civil disturbance presents a threat to persons, property, or functions on a type A, B, or C installation/activity (as defined in AR 5-3) which is beyond the combined protection capability of the installation commander and civil law enforcement resources, FORSCOM will be requested to take appropriate action.

d. When the commander of a type D installation/activity under the jurisdiction of a MACOM direct supervision or of a HQDA Staff agency is reasonably certain that a civil disturbance presents a threat to persons, property, or functions on his installation/activity which is beyond the combined protection capability of his own and civil law enforcement resources and those of the appropriate MACOM, the major commander concerned requests support directly from Commander, FORSCOM.

e. Upon receiving requests for assistance, the Commander, FORSCOM has authority to employ augmentation forces as required to reinforce the internal security forces of type D installations/activities. When such action is taken, the Commander, FORSCOM notifies DA. If, in the judgment of the major commander(s) involved there may be jurisdictional or sensitive community relations implications connected with the use of Feder-

al troops to protect a type A, B, C, or D installation/activity, no action is taken until the appropriate major commander requests and receives specific instructions through established command channels.

f. When an installation commander learns that a need for the protection of other Federal property of functions (except type A, B, C, and D installations/activities) exists, he notifies DA through command channels.

13-16. Emergency Employment

This may be accomplished in cases of sudden and unexpected invasion or civil disturbance, including civil disturbances incident to earthquake, fire, flood, or other public calamity endangering life or Federal property or disrupting Federal functions or the normal processes of Government, or other equivalent emergency so imminent as to make it dangerous to await instructions from the DA. It is unlikely that action under this authority would be justified without prior DA approval while communications facilities are operating. Such action, without prior authorization, of necessity must be prompt and vigorous. However, actions should be designed for the preservation of law and order and the protection of life and property until such time as instructions from higher authority have been received. In the event of civil disturbances requiring action before the receipt of instructions, the officer taking such action will report his action immediately, and the circumstances requiring it, to the Director of Military Support, DCSOPS, DA, by the most expeditious means of communication available, in order that appropriate instructions can be issued at the earliest possible time.

13-17. Legal Restrictions

a. The "Posse Comitatus Act" (18 USC 1385) provides that whoever, except in cases and under circumstances expressly authorized by the Constitution or act of Congress, willfully uses any part of the Army or Air Forces as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than 2 years or both.

b. Military forces acting in civil disturbances under the provisions of 10 USC 331-333 in those instances cited in paragraph 19-17d(1)-(3) of the critical code are not in violation of the Posse Comitatus Act; nor does the prohibition extend to the employment of Federal functions and property, or from acting in an emergency as described in paragraph 19-17f of the cited code.

c. It should be noted that the Posse Comitatus Act does not prohibit measures of military assist-

ance amounting to "protection" as opposed to "law enforcement." Thus, it does not prohibit the use of Army bomb disposal experts in deactivating and destroying explosives found in civilian communities; nor does it prohibit Army medical personnel from rendering medical care to persons injured in a civilian calamity. Likewise, this law does not prohibit a member of the Army, acting in his private capacity, from making a citizen's arrest in accordance with the law of the State where he is located.

d. Few States have laws similar to the Posse Comitatus Act. The military forces of a State, its National Guard, exist for the purpose of executing the laws of the State. However, State laws usually provide specifically who has authority to call on the National Guard (when not in Federal service) for assistance and describe the circumstances when assistance can be rendered. The Posse Comitatus Act does not apply in cases where a State military force is called on for assistance by appropriate State officials. It would, however, become applicable to such force if it had been called into Federal service.

13-18. Logistics Support

a. Commander, FORSCOM is responsible for logistics support of all active military ground forces in the objective area through the home station Installation Support Office (ISO) for unit accompanying supplies or through the Base Support Installation (BSI) in each objective area for resupply.

b. Commander, AMC is responsible for wholesale logistics support of ground forces based upon requests from BSI and ISO through use of expedited special procedures and pre-positioned depot stocks maintained in operational readiness condition.

c. Director, DLA is responsible for wholesale supply support based upon requests from BSI and ISO.

13-19. Use of DA Resources

a. Army forces participate in civil disturbance operations at the request of State and local civil authorities. The use of Army forces for civil disturbance operations should end as soon as normal civilian control is reestablished.

b. US Army resources are classed in three groups as follows:

(1) *Group One.* Personnel, arms, ammunition, tank-automotive equipment, and aircraft.

(2) *Group Two.* Riot control agents, concertina wire, and other like military equipment to be employed in control of civil disturbances which is not included in group one.

(3) *Group Three.* Firefighting resources (including operating personnel); equipment of a protective nature (such as masks, helmets, body armor vests), and other equipment not included in groups one and two (such as clothing, communications equipment, searchlights); and the use of Army facilities.

c. Repair parts and POL items are classified according to the group of equipment for which the parts or POL are intended.

d. Requests for group one and two resources require personal approval by the DA executive

agent or the Under Secretary of the Army when designated. A task force commander may also be designated to approve group two resources. Group three resources can be approved in the same manner as group one by CONUS Army commanders and the Commander in Chief (CINC) of unified commands outside CONUS.

e. Army equipment can be made available to civil authorities by sales of surplus or by loans within the procedures described in chapter 4, AR 500-50.

Section IV. DISASTER RELIEF

13-20. General

a. As in civil defense, disaster relief is primarily the responsibility of civil governments. Military assistance to civil authorities in natural disasters may be provided by DOD when requested or directed in accordance with the Disaster Relief Act of 1974 (42 USC 5121-5202). US Army participation is in accordance with AR 500-60.

b. Normally, military support to disaster relief will be at the request of the Administrator, FEMA, who is responsible for coordinating the activities of all Federal agencies in rendering support to State and local governments during major disasters. However, when the disaster is of such imminent seriousness that delay in awaiting instructions is unwarranted, a military commander should take such action as may be required and justified to save human life, prevent immediate human suffering, or mitigate major property damage or destruction. The Secretary of the Army is DOD executive agent for disaster relief activities within the United States. This includes responsibility for effective utilization, coordination, and control of resources made available by other components of DOD. The Commander, FORSCOM, is responsible for Army support activities within CONUS to include coordination with other services or defense agencies or both. Commanders of all MACOMs support disaster relief operations with military resources as required by the Commander, FORSCOM. Installations, activities, and agencies support disaster relief efforts within their capabilities. The Chief of Engineers provides disaster assistance to FEMA as a function under its Civil Works Program.

13-21. Military Participation

a. Use of military resources and other military participation in disaster relief operations will be the minimum essential. Participation is terminated at the earliest practicable time. Unless formally

directed by the FCO, all support will terminate within 3 months, and rarely could support be justified for that long under the "minimum essential basis" rule. Military assistance in rehabilitation following a disaster is authorized only when directed by FEMA, or in support of emergency operations conducted by the Corps of Engineers as authorized by law.

b. Disaster relief support in friendly foreign areas is conducted by the commander, unified command, in response to requests from the State Department. In Alaska, Hawaii, and US territories, the appropriate unified commander is responsible for the conduct of disaster relief operations. In occupied areas, disaster relief operations are the responsibility of the military commander until such time as directives or agreements promulgated by the US Government prescribe otherwise.

c. The American National Red Cross, by its charter, is organized to undertake activities for the relief of persons suffering from disaster. In instances not involving FEMA, the Red Cross can be expected to request Army assistance when local resources are inadequate. The Red Cross will be furnished, unless resources are not available, supplies, equipment, or services on loan or by purchase. Reimbursement will be made by the Army Comptroller upon receipt of Standard Form 1080 from the Army commander concerned.

13-22. Planning

a. DOD components have been directed to develop appropriate contingency plans for major disaster assistance operations and insure that these plans are coordinated with appropriate Federal, State, and local civil authorities and other DOD components. MACOMs, CONUS armies, and installations formulate plans to conduct disaster relief operations in their areas of responsibility.

b. Planning for military support of disaster relief should consider all aspects of logistics. The types of support required will vary according to type and intensity of damage, local facilities, density of population, and warning received. Logistics support most likely to be requested includes:

- (1) Evacuation, housing, and feeding.
- (2) Care of injured.
- (3) Supply of clothing, food, and medical supplies.
- (4) Water purification.
- (5) Emergency communications support.
- (6) Physical security.

c. Army-owned supplies and equipment not immediately required in the execution of a primary mission may be made available for use in disaster relief operations. Stocks of the least serviceable class will be used. Military supplies and equipment will not be set aside for disaster relief use. Surplus supplies and equipment may be donated to local and State governments. Stocks may be issued on loan but must be returned at the end of the disaster and costs for repair, rehabilitation, or modification charged to FEMA for those items requested by that activity. Army stock fund-owned items may be issued with reimbursement requested.

13-23. Funding

a. Disaster relief participation is an unprogrammed requirement of DA. The Army budget does not include allocation for disaster relief operations nor does DA or its subordinate commands retain fund reserves for this purpose. Such operations are undertaken on the premise that costs other than normal operating expenses will be reimbursed by the agencies outside DOD which request military participation in disaster relief operations. Requests for reimbursement for these expenses are submitted to FEMA within 90 days of completion of assistance for each specific disaster. Funding and accounting procedures are described in chapter 4, AR 500-60.

b. Oversea commanders are authorized to commit command funds up to \$25,000 to meet a request for disaster assistance from Department of State or the chief of the diplomatic mission of the country involved. If the costs exceed \$25,000, prior approval by the Assistant Secretary of Defense (International Security Affairs) is required. Oversea commanders are responsible for determining and recording reimbursable costs due from the requesting agency. Since these costs are financed as automatic reimbursements, the oversea command must promptly bill the responsible office requesting disaster relief assistance.

Section V. MILITARY SUPPORT OF OTHER EMERGENCIES

13-24. Army Participation in Other Emergencies

a. The Secretary of the Army has been designated DOD executive agent for all matters relating to military assistance in support of certain emergency operations. Among these are:

- (1) Support to the USPS (Postal Augmentation Plan).
- (2) Support of the Secretary of Agriculture for Emergency Animal Disease Eradication.
- (3) Military Assistance to Safety and Traffic (MAST).
- (4) Assistance to the Boise Interagency Fire Center for combating forest and grassland fires.

b. DA provides support as directed by DOD for other emergency situations, such as:

- (1) Assistance in oil and hazardous substance spills.
- (2) Search and rescue operations.
- (3) Assistance in the event of air piracy/airplane hijacking incidents.

c. The Chief of Diplomatic Mission or principal officer of the State Department has primary responsibility for the protection and evacuation of all US noncombatants, including dependents and certain designated aliens in danger areas abroad in time of emergency. The Secretary of State is responsible for preparing plans for the protection of all noncombatant US citizens and certain designated aliens abroad and provide for their evacuation to an area of greater safety (including evacuation to the United States when desirable and feasible); their protection and welfare in safe havens abroad; and their protection and welfare in their normal location. This responsibility includes integrating DOD plans into State Department plans for evacuating DOD noncombatants from West Germany but excludes responsibility for US citizens in West Berlin, Panama Canal Zone, and US Naval Base, Guantanamo. Responsibility for these latter is that of the Secretary of Defense.

(1) The Chiefs of Diplomatic Missions and principal officers prepare the plans for their areas of responsibility and implement them when required.

(2) Commanders of unified commands prepare plans for areas which are the responsibility of the Secretary of Defense. They also cooperate with the Chiefs of Diplomatic Missions and principal officers to carry out their planning responsibilities. When feasible, the commanders of unified commands assist in the evacuation or protection of those persons for whom the Secretary of State is responsible and assistance is requested. Normally, the principal military commander in an area must receive authorization from the JCS before using any of his forces or facilities in a foreign country for protection and evacuation purposes. However, where US citizens are in danger and communications with the JCS are cut off or cannot be established in time, the appropriate military commander, upon request of the principal diplomatic representative, provides such assistance as he deems

feasible. Where communications between the military commander and the diplomatic representative are disrupted, the military commander takes such action as is needed to protect US citizens.

(3) Military operations to assist the implementation of emergency and evacuation plans are conducted by the appropriate military commander. Where possible, he acts in coordination with the principal US diplomatic or consular representative.

(4) The military commander and the principal US State Department representative determine what military forces and equipment are necessary and appropriate. In making this determination, they consider the repercussions of Armed Forces versus those of unarmed forces with the risk of successfully accomplishing their missions.