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## Department of Defense Directive

ASD(C)

Subject: Use of Military Resources During Peacetime Civil Emergencies within the United States, its Territories, and Possessions

- References:
- (a) DoD Directive 3025.1, "Employment of Military Resources in Natural Disaster Emergencies within the United States, its Territories and Possessions," August 30, 1971 (hereby canceled)
  - (b) DoD Directive 5100.46, "Foreign Disaster Relief," December 4, 1975
  - (c) Title 42, United States Code, Section 5121 et seq. ("The Disaster Relief Act of 1974," as amended), Public Law 93-288
  - (d) through (m), see enclosure 1

### A. REISSUANCE AND PURPOSE

This Directive reissues reference (a), which establishes DoD policies, assigns responsibilities, and furnishes guidance for DoD support to civil authorities under peacetime civil emergency conditions within the United States, as defined in C.1.

### B. APPLICABILITY AND SCOPE

1. The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (except the National Security Agency, Defense Nuclear Agency, and the Defense Contract Audit Agency), hereafter referred to as "DoD Components." The military commanders referred to in this Directive pertain to the U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marine Corps, and, by agreement with the Department of Transportation in time of peace, the U.S. Coast Guard.

2. Its provisions encompass those DoD Components having control over military resources that may be used under the provisions of this Directive.

3. This Directive does not apply to foreign disasters, which are covered in reference (b).

C. DEFINITIONS

1. United States, its Territories, Possessions, Administrative, and Commonwealth Areas. The 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

2. Civil Emergency. Any natural or man-caused emergency, or threat thereof, other than civil defense or wartime emergency, which causes or may cause substantial injury or harm to the population, or substantial property damage or loss.

3. Major Disaster. Any hurricane, tornado, storm, flood, highwater, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States, which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under 42 U.S.C. 5121 (reference (c)).

4. Emergency. Any of the occurrences enumerated in C.3. above, or other catastrophe in any part of the United States which, in the determination of the President, requires federal emergency assistance to supplement state and local efforts to save lives and protect property, public health, and safety, or to avert or lessen the threat of a disaster.

5. Military Resources. Military and civilian personnel of the active and reserve components, facilities, equipment, and supplies under the control of DoD Components, and services performed by DoD Components, to include airlift and other transportation services.

D. NATIONAL POLICY

1. It is the policy of the federal government to provide an orderly and continuing means of supplemental assistance to state and local governments in their responsibilities to alleviate the suffering and damage that result from civil emergencies.

2. Upon the declaration of a major disaster or emergency by the President, the Director of the Federal Emergency Management Agency (FEMA), or designees, the Associate Director for Disaster Response and Recovery or the FEMA Regional Directors, may, in compliance with the provisions of 42 U.S.C. 5121 (reference (c)), direct any federal agency to provide assistance to state and local governments by:

a. Using or lending their equipment, supplies, facilities personnel, and other resources;

b. Distributing medicine, food, and other consumable supplies; and

c. Rendering emergency assistance.

E. POLICY

The Department of Defense shall provide assistance in civil emergencies in accordance with national policies, consistent with defense priorities as set forth below.

1. General

a. Use of DoD military resources in civil emergency relief operations shall be limited to those resources that are not immediately required for the execution of the primary military mission. Normally, DoD military resources shall be committed as a supplement to non-DoD resources which are required to cope with the humanitarian and property protection requirements caused by a civil emergency.

b. During civil emergency relief operations, military personnel shall not be employed to enforce or execute civil law in violation of 18 U.S.C. 1385 (reference (d)), except as otherwise provided by law.

c. Military forces used in civil emergency relief activities shall be under command of and directly responsible to their military superiors.

d. Military resources shall not be procured, stockpiled, or developed solely for the purpose of providing assistance to civil authorities in civil emergency situations.

e. DoD Components shall seek appropriate public recognition for significant DoD participation in civil emergency relief operations. When DoD resources are committed to civil emergency relief operations of national interest, as defined in DoD Instruction 5410.15 (reference (e)), a qualified still or motion picture team shall be dispatched to the scene. DoD releasing authority for products of the still or motion picture team is the Assistant Secretary of Defense (Public Affairs) (ASD(PA)). Permission to release those products locally may be requested from ASD(PA), including the date, time, place of release, and nature of released material. During presidentially-declared emergencies or major disasters, FEMA is responsible for public affairs concerning relief operations. FEMA serves as a central point of contact and is the controlling and releasing authority for public information.

f. When requests are received for the use of live ordnance in connection with civil emergency situations, they shall be handled on a case-by-case basis and forwarded through command channels to the Department of the Army in the format shown in enclosure 2. Generally, live ordnance should not be employed in situations involving an untested procedure that could prove hazardous to public safety. Requests for assistance of this nature may involve explosives emplaced by ground demolition teams as well as live ordnance dropped or fired from aircraft or artillery pieces. This

policy does not restrict or alter existing demolition practices and operations employed by the U.S. Army Corps of Engineers or U.S. Navy Underwater Demolition Teams in clearing waterways, obstructions, or structures considered hazardous to public safety.

2. Declared Major Disaster or Emergency

a. Upon an official notification that the President has made a declaration of a major disaster or an emergency, the Secretary of the Army, as DoD Executive Agent, shall inform the concerned DoD Components.

b. Upon a request by the Director or the Associate Director for Disaster Response and Recovery, FEMA, or the FEMA Regional Directors following the presidential declaration, only such personnel, equipment, or other resources shall be made available as are authorized or directed through military channels by the DoD Executive Agent or designee.

3. Undeclared Disaster or Emergency Situations

a. In situations that require the immediate assistance of the military to save lives, prevent human suffering, or mitigate great property damage, military commanders are authorized to take immediate relief action prior to a presidential declaration subject only to guidance furnished by the DoD Component concerned. This assistance should be provided on a cost-reimbursable basis; however, such assistance should not be delayed or denied in the absence of a reimbursable commitment from the requestor.

b. In undeclared civil emergencies that warrant national-level response, the Special Assistant to the Secretary of Defense and Deputy Secretary of Defense shall determine whether or not DoD participation is in the national interest and shall request the DoD Executive Agent to assess the situation's conformance with Defense priorities and the feasibility of the requested DoD action, and identify a legal basis for assistance. The Special Assistant may then authorize the Executive Agent to direct the DoD response in accordance with the procedures of this Directive.

c. Undeclared emergency use of DoD transportation resources will be in accordance with DoD Directive 4500.9 (reference (f)).

d. Available military resources shall be provided to the U.S. Army Corps of Engineers in support of its performance of civil functions under P.L. 84-99 (reference (g)).

e. In forest fire emergencies that are the responsibilities of the Departments of Agriculture and the Interior, DoD Components shall make available, as authorized through military channels, the necessary military resources, as requested by the Boise Interagency Fire Center (BIFC), a federal interagency fire coordination center under the joint control of the

Departments of Agriculture and Interior. Specific details regarding the nature and scope of any DoD support provided will be as set down in inter-departmental agreements between BIFC and Department of Defense.

f. DoD Components are encouraged to cooperate with the American National Red Cross, the Salvation Army, and other relief and disaster assistance organizations, in civil emergencies, as authorized in 42 U.S.C. 5146 (reference (c)).

g. Emergencies or other incidents involving radiological materials shall be handled in accordance with DoD Directive 5100.52 (reference (h)).

#### 4. Loan and Donation of Property

a. DoD Components may authorize the loan of operating equipment and issue of operating supplies subject to the same type of controls used for stock fund items. The loaning activity shall provide an operator for major pieces of power equipment, such as bulldozers, cranes, or road graders, unless there is reasonable assurance that the borrowing organization has a qualified operator.

b. When the Secretary of a Military Department or the Head of another DoD Component, or one of their designees, determines that DoD-controlled nonsurplus stocks needed for civil emergency relief purposes are not immediately required for the execution of essential military missions, such property may be made available to FEMA on a loan basis to be returned immediately following the end of the emergency period. Reimbursement shall be requested as provided in paragraph E.5.a., below, for nonconsumable property lost, destroyed, or damaged. In case of damaged property, reimbursement shall be for the cost of repair as well as for the reduced utility value of the item. Reduced utility value shall be determined by the lending department.

c. Equipment and supplies that have been declared surplus in accordance with existing laws and regulations may be loaned or donated to state and local governments.

#### 5. Funding

a. Reimbursement for declared emergency and major disaster relief assistance shall be processed as follows:

(1) In the Continental United States (CONUS), requests for reimbursement from DoD Components shall be forwarded to a Department of the Army-designated agency, usually a U.S. Army Forces Command installation.

(2) Outside of CONUS and Alaska, requests for reimbursement shall be forwarded to the appropriate Unified Commander.

(3) In Alaska, requests for reimbursement shall be forwarded to the single point of contact for the entire state.

(4) Any request for eligibility for reimbursement or expenditures must include the FEMA identifying number; for example: FEMA 338 DR.

b. FEMA will be requested to reimburse costs for repair, rehabilitation, or modification to military real property and related personal property and equipment (restoration to original state if required) furnished pursuant to their request.

c. Reimbursement for the issue or sale of materiel from stock funds, or transfers from working capital funds, shall be in accordance with DoD Directive 7420.1 (reference (i)). Reimbursements for the sales of appropriations-financed materiel or nonworking capital funds property, shall be at the current standard prices, in accordance with DoD Directive 7200.7 (reference (j)). In addition, billings shall include accessorial charges incident to issues, sales, and transfers of materiel, in accordance with DoD Instruction 7410.4 (reference (k)).

d. When any services or supplies, including property furnished from DoD stock fund inventories, are provided by the Defense Logistics Agency (DLA) to a Military Department to support civil emergency relief operations, reimbursement to the DLA shall be made by the Military Department. The amounts shall be included in the expenses billed to the requestor by the Military Departments.

e. When transportation services are provided by an industrially funded agency, reimbursement shall be made to the appropriate industrial fund, in accordance with DoD Directive 7410.4 (reference (k)).

#### F. RESPONSIBILITIES

1. As the designated DoD Executive Agent, the Secretary of the Army shall:

a. Provide military support in civil emergencies within the United States, as defined in C.1., except those associated with the National Oil and Hazardous Substances Pollution Contingency Plan, described in DoD Directive 5030.41 (reference (1)).

b. Provide policy and direction concerning plans, procedures, and requirements to all DoD Components having control over military resources that may be employed under the provisions of this Directive.

c. Plan, conduct, and coordinate DoD responses to civil emergency situations within the 48 contiguous states (hereafter referred to as the CONUS).

d. Coordinate both the planning and provision of military support to civil authorities during civil emergencies in conjunction with the commanders and areas identified in F.3. and F.4. below.

e. Consistent with DoD policies, task appropriate DoD Components for necessary resources to conduct civil emergency relief operations within the provisions of this Directive.

f. Exercise, through designated military commanders, the direction of military resources committed or assigned for employment in the event of civil emergency relief operations, and ensure that designated commanders appoint and support a DoD military representative or liaison officer to the FEMA Regional Director.

g. Provide U.S. Army resources, as required, to designated commanders tasked with civil emergency relief assistance responsibilities.

h. Establish and maintain liaison with FEMA for the Department of Defense with respect to military support of civil emergency relief operations.

i. Inform the Secretary of Defense of significant developments in connection with civil emergency relief planning and operations.

j. Establish procedures for review and coordination of all DoD Component directives, instructions, and plans affecting civil emergency relief planning and operations to ensure conformity with DoD and Executive Agent policies in this Directive.

2. The Secretary of the Navy shall:

a. Coordinate civil emergency relief planning and operations with the Secretary of the Army.

b. Consistent with Defense priorities, furnish support to civil authorities in civil emergency relief operations when required by the DoD Executive Agent.

c. Furnish support to civil authorities in undeclared civil emergency situations when deemed necessary by the Special Assistant to the Secretary and Deputy Secretary of Defense.

3. The Secretary of the Air Force shall:

a. Coordinate civil emergency relief planning and operations with the Secretary of the Army.

b. Consistent with Defense priorities, furnish support to civil authorities in civil emergency relief operations when required by the DoD Executive Agent.

c. Furnish support to civil authorities in undeclared civil emergency situations when deemed necessary by the Special Assistant to the Secretary and Deputy Secretary of Defense.

d. Provide policy guidance and assign responsibility to, and establish procedures for, the conduct of civil emergency relief operations in Alaska by designation of a single point of contact who will coordinate the plans and operations of the DoD Components providing DoD resources for the state.

e. Coordinate the activities of the Civil Air Patrol in civil emergency relief operations.

4. The Chairman, Joint Chiefs of Staff, shall:

a. Provide policy guidance and assign responsibility to, and establish procedures for commanders responsive to the Joint Chiefs of Staff to conduct civil emergency relief operations anywhere in the United States (as defined in C.1.) that is an assigned area of responsibility.

b. Provide recommendations to the DoD Executive Agent on planning and using military resources for civil emergency relief operations.

c. Establish procedures that transfer military resources, as requested by the DoD Executive Agent and consistent with DoD priorities, that are assigned to Unified and Specified Commands: (1) to the Military Departments for civil emergency relief operations in the CONUS and Alaska, or (2) to other Unified Commands or Joint Task Forces for such operations as necessary.

5. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall provide policy guidance and assistance to ensure effective and expeditious transfer or loan of military property and other logistic support requested by the DoD Executive Agent.

6. The Assistant Secretary of Defense (Public Affairs) shall:

a. Provide policy guidance for public affairs activities associated with participation in civil emergency assistance by DoD Components.

b. Be the point of contact with FEMA, under 42 U.S.C. 5121 (reference (c)), on public affairs policy matters.

7. The Director, Defense Logistics Agency (DLA), shall provide logistic support as required, in accordance with existing procedures for the issue of DLA assets.

8. Heads of DoD Components, whose functional responsibilities are not otherwise stated, shall:



a. Coordinate planning with the DoD Executive Agent and, consistent with DoD priorities, furnish support to civil authorities, when required by the DoD Executive Agent.

b. Provide for the flow of instructions and information throughout the Department of Defense resulting from actions taken in accordance with this Directive.

c. Develop contingency plans for civil emergency relief operations, and ensure that military commanders coordinate such plans with FEMA regions and appropriate civil authorities at state and local levels.

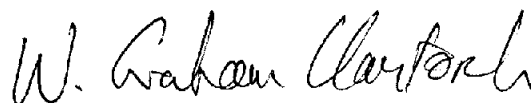
G. INFORMATION REQUIREMENTS

1. Assistance provided under this Directive for declared major disasters or emergencies shall be reported to the Department of the Army. DoD Components shall provide necessary information to responsible reporting headquarters in accordance with instructions in enclosure 3.

2. The reporting requirements prescribed herein are assigned Report Control Symbol DD-COMP (AR)1114 (formerly DD-A(AR)1114). Standard data elements and codes are being developed in accordance with the policies of DoD Directive 5000.11 (reference (m)).

H. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Comptroller) within 120 days.



W. Graham Claytor, Jr.  
Deputy Secretary of Defense

Enclosures - 3

1. References
2. Request for Live Ordnance Assistance
3. Instructions for Reporting Military Participation in Major Disasters/Emergencies

REFERENCES, continued

- (d) Title 18, United States Code, Section 1385, "The Posse Comitatus Act"
- (e) DoD Instruction 5410.15, "Delineation of DoD Audio-Visual Public Affairs Responsibilities and Policies," November 3, 1966
- (f) DoD Directive 4500.9, "Transportation and Traffic Management," June 28, 1976
- (g) Public Law 84-99, "The Flood Control Act of 1941," as amended, 33 U.S.C. 701n et seq.
- (h) DoD Instruction 5100.52, "Radiological Assistance Responsibilities in the Event of an Accident Involving Radioactive Material," October 13, 1977
- (i) DoD Directive 7420.1, "Regulations Governing Stock Fund Operations," January 26, 1967
- (j) DoD Directive 7200.7, "Accounting and Pricing for Materiel Financed by Procurement Appropriations for Military Functions," December 16, 1964
- (k) DoD Directive 7410.4, "Regulations Governing Industrial Fund Operations," September 25, 1972
- (l) DoD Directive 5030.41, "Oil and Hazardous Substances Pollution Prevention and Contingency Program," June 1, 1977
- (m) DoD Directive 5000.11, "Data Elements and Data Codes Standardization Program," December 7, 1964

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REQUEST FOR LIVE ORDNANCE ASSISTANCE

All requests for live ordnance assistance, other than routine activities of the U.S. Army Corps of Engineers and U.S. Navy Underwater Demolition Teams, shall be reported promptly in the following format:

- a. DoD Component receiving the request.
- b. Place of the disaster or emergency situation.
- c. Description of the area, including type of terrain, foliage and its condition, proximity to populated areas, and clear routes of entry and exit if aerial delivery is involved.
- d. Name and title of requesting official.
- e. Date-time group (ZULU) request for assistance was received.
- f. Nature of the disaster or emergency situation.
- g. Description of the assistance requested, including the specific type or ordnance and the intended method of employment.
- h. Intended purpose of expected result of the ordnance employment.
- i. Hazards involved, including possible worsening of the situation and direct or indirect danger to personal and public property.
- j. Statement that the requested procedure has been tested, and the test results, if applicable.
- k. Alternate solutions.
- l. Anticipated impact on local community relations resulting from approval or disapproval of this report.
- m. Comments and recommendation, as appropriate, for approval or denial based upon knowledge of facts at hand.
- n. Other pertinent information, such as, effect on ability to perform assigned mission, the extent and duration, and ability to provide the support requested.

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INSTRUCTIONS FOR REPORTING MILITARY  
PARTICIPATION IN MAJOR DISASTERS/EMERGENCIES

A. Immediately upon implementation of any employment of military resources to assist civil authorities in major disaster or emergency relief operations, the responsible authority (Department of Army in CONUS, Department of Air Force in Alaska, and Unified Commanders in Hawaii, and U.S. territories and possessions outside CONUS) shall ensure that a report is submitted through military channels to the Department of the Army (DAMO-ODS) containing the following information:

1. Nature of emergency, location, extent of damage, and estimated duration.

2. Number of military (Army, Navy, Marine Corps, and Air Force) and civilian personnel committed and nature of actions in which they are employed.

3. Amounts and types of DoD (including DLA, Army, Navy, Marine Corps, and Air Force) equipment and supplies committed.

4. Degree to which civil agencies have committed their resources.

5. Source of request for assistance.

6. Number of casualties, injuries, and fatalities, of both military and civilian personnel.

7. Acreage and location of real property committed.

B. DoD Components shall provide the necessary information required in paragraph A., above, regarding their participation to the appropriate reporting headquarters so that headquarters can discharge reporting responsibilities.