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502.4 Department of Defense policies and delegation of authority.

502.5 Department of the Army policies and designation of responsibilities.

RELIEF SHIPMENTS

502.11 Commercial freight shipments of supplies by voluntary non-profit relief agencies.

AUTHORITY: Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.

SOURCE: 31 FR 7966, June 4, 1966, unless otherwise noted.

DISASTER RELIEF

§502.1 Purpose and applicability.

(a) Sections 502.1 through 502.5 contain Department of the Army policy and responsibilities for operations involving participation in natural disaster relief activities.

(b) Sections 502.1 through 502.5 are applicable in the 48 contiguous States and the District of Columbia, and where not in conflict with public law or other proper authority, have equal application to Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. Within the latter areas, the commander of the unified command concerned is responsible for emergency employment of military resources in disaster relief.

(c) Policy and guidance for related type emergencies involving employment of Army resources are contained in AR 600-50 (Civil Disturbances), AR 500-70 (Civil Defense), and AR 420-90 (Fire Prevention and Protection).

(d) The provisions of §§502.1 through 502.5 apply generally except as otherwise covered in directives of Chief of Engineers pertinent to the Civil Works Program.

§502.2 Definitions.

For the purpose of §§502.1 through 502.5 the following definitions apply:

(a) *Natural disaster.* All domestic emergencies except those created as a result of enemy attack or civil disturbance.

(b) *Major disaster.* Any disaster caused by flood, drought, fire, earthquake, storm, hurricane, or other catastrophe, which in the determination of the President, is or threatens to be, of such severity and magnitude as to

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warrant disaster assistance by the Federal Government under the provisions of Pub. L. 875 (see §502.3(a)) to supplement the efforts and available resources of State and local governments in alleviating the damage, hardship or suffering caused thereby.

(c) *Imminent seriousness.* An emergency condition of immediate urgency in which it would be dangerous to delay necessary action by waiting for instructions from higher authority despite the fact such instructions are requested through command channels by the most expeditious means of communication available.

(d) *Military resources.* Includes personnel, equipment, and supplies of Department of Defense agencies including the Army, Navy, Air Force, Marine Corps, and Defense Supply Agency.

(e) *State.* Includes any State in the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(f) *Local government.* Includes any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia.

(g) *Federal agency.* Includes any departmental, independent establishment, government corporation, or other agency of the executive branch of the Federal Government, excepting, however, the American National Red Cross.

(h) *Office of Emergency Planning (OEP).* The Federal Executive agency in the Executive Office of the President responsible for coordinating Federal assistance for major disasters in behalf of the President.

(i) *Office of Civil Defense (OCD).* The office under the Secretary of the Army responsible for plans and preparations for civil defense.

(j) *American National Red Cross (ANRC).* The national organization of the Red Cross organized to undertake activities for the relief of persons suffering from disaster as stated in section 3 of the Act of January 5, 1905, chapter 23, as amended (36 U.S.C. 3), entitled "An Act To Incorporate the American National Red Cross."

(k) *DOD components.* Army, Navy, Air Force, Marine Corps, Defense Supply

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Agency, and other Department of Defense agencies.

§ 502.3 Provisions of disaster relief legislation and Executive orders and other authorities.

The following guidelines are pertinent to disaster relief action.

(a) Public Law 875, 81st Congress, as amended, 42 U.S.C. 1855-1855g (Federal Disaster Act of 30 September 1950), hereinafter referred to as Pub. L. 875, which provides for supplementary Federal assistance to State and local governments in major disasters, and for other purposes.

(b) Executive Order 10427 dated January 16, 1953, as amended, which delegates to the Director, OEP the authority to direct and coordinate other Federal agencies in rendering assistance to State and local governments under provisions of Pub. L. 875.

(c) Executive Order 10737, dated October 29, 1957, which amends Executive Order 10427 to include authority for the reimbursement of any Federal agency, subject to the concurrence of the Director of the Bureau of the Budget, for authorized expenditures for funds allocated by the President for use in assistance to a specific State.

(d) Executive Order 11051 dated September 27, 1962, which specifically prescribes the responsibility of the Director, OEP as set forth in Executive Orders 10427 and 10737.

(e) Federal assistance is authorized under provisions of Pub. L. 875 only after the President has declared the specific disaster as defined in the Act. Such declaration is made after a request for Federal assistance by the Governor of the State (or the Board of Commissioners of the District of Columbia), through the appropriate OEP Regional Office Director.

(f) Section 5 of the Act of August 18, 1941, ch. 377, as amended, 33 U.S.C. 701n; is commonly known and hereinafter referred to as Public Law 99 (Pub. L. 99). It provides basic guidance for the applicable emergency activities of the Corps of Engineers. The law provides discretionary authority for expenditures for flood emergency preparation; flood fighting and rescue operations, and emergency repair or restoration of flood control works and Federal shore

protection or hurricane flood protection works. Administration of Pub. L. 99 is under the direction of the Secretary of the Army and the supervision of the Chief of Engineers. No declaration of a major disaster is required.

(g) Existing statutes and Executive orders do not in any way limit Federal agencies from taking necessary action in accordance with existing policy and statutory authority in the event of a disaster which will not brook delay in the commencement of Federal assistance or other Federal action and/or pending the designation by the President of a major disaster.

(h) The American National Red Cross is charged in accordance with its Charter, with continuing a system of national and international relief with voluntary service and financing, which in effect supports official disaster relief action.

§ 502.4 Department of Defense policies and delegation of authority.

(a) Responsibility for alleviating disaster conditions rests primarily with individuals, families, private industry, local and State governments, the American National Red Cross, and those Federal agencies having special statutory responsibilities.

(b) DOD components are authorized to assist civilian authorities as necessary or as directed by competent authority.

(c) Where the disaster is of such imminent seriousness that delay in awaiting instructions from higher authority is unwarranted, a military commander will take such action as may be required and justified under the circumstances to save human life, prevent immediate human suffering, or mitigate major property damage or destruction. The commander will immediately report to higher authority the action taken and request appropriate guidance.

(d) DOD components have been directed to develop, as appropriate, contingency plans for major disaster operations and insure that these are coordinated with appropriate civil authorities at State and local level.