



Department of Defense

DIRECTIVE

NUMBER 5100.46

July 6, 2012

USD(P)

SUBJECT: Foreign Disaster Relief (FDR)

References: See Enclosure 1

1. PURPOSE. This Directive reissues DoD Directive 5100.46 (Reference (a)) to update DoD policy and responsibilities for FDR operations in accordance with sections 404 and 2561 of title 10, United States Code (U.S.C.) (Reference (b)) and Executive Order (E.O.) 12966 (Reference (c)).

2. APPLICABILITY. This Directive:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD (hereinafter referred to collectively as the "DoD Components").

b. Does not apply to DoD policy concerning foreign consequence management for chemical, biological, radiological, nuclear, or high-yield explosive incidents, which is governed by DoD Instruction 2000.21 (Reference (d)).

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. DoD shall respond to foreign disasters in support of the U.S. Agency for International Development (USAID) pursuant to E.O. 12163 and section 2292(b) of title 22, U.S.C. (References (e) and (f)).

b. In accordance with Reference (c), DoD Components shall provide disaster assistance in support of U.S. FDR efforts only:

(1) At the direction of the President;

(2) When the Secretary of Defense or a designee approves, with the concurrence of the Secretary of State, a request for assistance from another Federal department or agency; or

(3) In emergency situations in order to save human lives, where there is not sufficient time to seek the prior concurrence of the Secretary of State, in which case the Secretary of Defense shall advise and seek the concurrence of the Secretary of State as soon as practicable thereafter.

c. In accordance with paragraph 4.b. of this section, DoD Components may provide non-reimbursable FDR as humanitarian assistance pursuant to Reference (b) using available Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funds, Presidential drawdown authority in accordance with section 506 of Public Law 87-195 (Reference (g)), or other available authorities. Additionally, DoD Components may provide reimbursable FDR assistance when requested and funded by other U.S. Government (USG) departments and agencies.

d. Interagency requests for DoD assistance to disaster relief efforts shall be transmitted in an official request from the appropriate departmental or agency Executive Secretariat to the DoD Executive Secretary. In exigent circumstances when an interagency request was made orally and then approved orally by the Secretary of Defense, at the earliest opportunity the requesting agency must document the oral request with a written request to the DoD Executive Secretary.

e. DoD shall consider FDR assistance requests from USAID, the Department of State, and other Federal departments and agencies based on USG and/or appropriate international organization assessment(s) of the disaster, the availability of requested assistance, the impact on ongoing or potential military operations of providing such assistance, the effect on security cooperation objectives, and other relevant factors associated with DoD involvement.

f. Nothing in this Directive shall be construed as preventing a military commander with assigned forces at or near the immediate scene of a foreign disaster from taking prompt action to save human lives. In cases in which this authority is invoked, the commander should obtain the concurrence of the host nation and U.S. Chief of Mission of the affected country before committing forces. Also, the Combatant Commander shall follow up as soon as possible, but no later than 72 hours after the start of relief operations, to secure Secretary of Defense or Deputy Secretary of Defense approval for continuing assistance. Combatant Commanders must also obtain Secretary or Deputy Secretary approval in order to obtain reimbursement with OHDACA funds. Such assistance during the first 72 hours does not include the authority to provide military assistance that does not contribute to urgent life-saving efforts.

5. RESPONSIBILITIES. See Enclosure 2.

6. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Directive:

a. Is effective July 6, 2012.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoD Instruction 5025.01 (Reference (h)). If not it will expire effective July 6, 2022 and be removed from the DoD Issuances Website.



Ashton B. Carter
Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5100.46, "Foreign Disaster Relief," December 4, 1975 (hereby cancelled)
- (b) Sections 404 and 2561 of title 10, United States Code
- (c) Executive Order 12966, "Foreign Disaster Assistance," July 14, 1995
- (d) DoD Instruction 2000.21, "Foreign Consequence Management (FCM)," March 10, 2006
- (e) Executive Order 12163, "Administration of Foreign Assistance and Related Functions," September 29, 1979, as amended
- (f) Section 2292(b) of title 22, United States Code
- (g) Section 506 of Public Law 87-195, "The Foreign Assistance Act of 1961," September 4, 1961, as amended
- (h) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007, as amended
- (i) DoD Directive 3020.44, "Defense Crisis Management," June 4, 2007
- (j) DoD Financial Management Regulation 7000.14-R, "Department of Defense Financial Management Regulation," Volume 12, date varies by volume
- (k) Part 060 of Volume 2, U.S. Department of State Foreign Affairs Manual, "Foreign Disaster Emergency Relief," April 1, 1991

ENCLOSURE 2
RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P) shall:

- a. Coordinate FDR policy with DoD Components and other Federal departments and agencies, as appropriate.
- b. Establish DoD policy governing FDR.

2. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS/LOW-INTENSITY CONFLICT (ASD(SO/LIC)). The ASD(SO/LIC), under the authority, direction, and control of the USD(P), shall:

- a. Serve as the principal advisor to the Secretary of Defense and the USD(P) on all DoD FDR efforts and keep them informed of all DoD actions taken in response to foreign disasters, regardless of scope.
- b. Develop policies for DoD participation in FDR operations; and prescribe procedures for implementation of this Directive.
- c. Assess the overall effectiveness of DoD FDR policies and procedures and of DoD assistance in support of the entire spectrum of USG FDR operations; ensure that lessons learned from FDR operations are incorporated into future planning efforts.
- d. Coordinate DoD FDR operations and policies with USAID, the Department of State, and other involved Federal departments and agencies; promote FDR collaboration among these departments and agencies.
- e. Represent the Secretary of Defense and the USD(P) in discussions on FDR policy, strategy, and operations with other U.S. departments and agencies, including USAID, and with foreign governments, international organizations (IOs), non-governmental organizations (NGOs), and members of the private sector.
- f. In collaboration with the Director, Defense Security Cooperation Agency (DSCA), when appropriate, prepare and disseminate FDR guidance that includes implementation procedures.
- g. Advise the Secretary of Defense and USD(P) on the use of DoD resources in specific FDR operations, including in response to Presidential directives or requests from USAID, the Department of State, or the Combatant Commanders.
- h. Obtain Secretary of Defense authorization and guidance for Combatant Commands to conduct FDR operations. Factors to consider in preparing guidance include:

- (1) The capacity of the host nation and international aid community to respond.
- (2) The magnitude of the disaster and assessment of emergency needs, including the number of fatalities, number of internally displaced people, and level of damage to infrastructure.
- (3) Other USG or international donor responses.
- (4) Validation of need by USAID.
- (5) The level of DoD resources required to provide assistance in support of the relief operation and competing operational demands on DoD resources.

i. Advise the Secretary of Defense and USD(P) on providing transportation for FDR, including emergency transportation of non-DoD personnel (e.g., relief personnel from other USG agencies or NGOs, IOs, and foreign governments), and of non-USG relief supplies, commodities, items, and equipment on DoD-owned or DoD-controlled aircraft when the requests are related to approved DoD FDR efforts. This advice should include a recommendation on whether the transportation should be provided on a reimbursable or non-reimbursable basis.

3. ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND AMERICAS' SECURITY AFFAIRS (ASD(HD&ASA)). The ASD(HD&ASA), under the authority, direction, and control of the USD(P), shall:

a. Provide crisis management support for DoD FDR operations by managing information for the DoD Components, including producing, coordinating, and disseminating classified and unclassified situation, summary, and other reports as required by the situation and ensuring that information needs and other requirements of the Secretary of Defense are met in accordance with DoD Directive 3020.44 (Reference (i)).

b. Support DoD FDR operations in the ASD(HD&ASA)'s assigned geographic area and lead OSD's engagement with foreign nations in its assigned geographic area throughout all phases of the disaster.

4. ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS (ASD(ISA)). The ASD(ISA), under the authority, direction, and control of the USD(P), shall support DoD FDR operations in the ASD(ISA)'s assigned geographic area and lead OSD's engagement with foreign nations in its assigned geographic area throughout all phases of the disaster.

5. ASSISTANT SECRETARY OF DEFENSE FOR ASIAN AND PACIFIC SECURITY AFFAIRS (ASD(APSA)). The ASD(APSA), under the authority, direction, and control of the USD(P), shall support DoD FDR operations in the ASD(APSA)'s assigned geographic area and

lead OSD's engagement with foreign nations in its assigned geographic area throughout all phases of the disaster.

6. DIRECTOR, DSCA. The Director, DSCA, under the authority, direction, and control of the USD(P)), shall serve as the DoD lead for FDR program management and budget issues, and in that capacity shall:

a. Provide program management oversight by ensuring DoD response activities are appropriate, coordinated, and resourced in accordance with policy guidance.

b. Identify and report to the ASD(SO/LIC) and the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO) the estimated costs associated with potential DoD FDR operations and the DoD costs and resources committed to each FDR operation.

c. Ensure that DoD OHDACA funding is used according to sections 404 and 2561 of Reference (b) and DoD Financial Management Regulation 7000.14-R, Volume 12 (Reference (j)).

d. As necessary, request, implement, and monitor DoD FDR-related drawdown authorities.

e. Coordinate with the USD(C)/CFO to:

(1) Identify anticipated future requirements for funds or resources to support potential FDR operations.

(2) Convey to the ASD(SO/LIC) estimates provided by the Combatant Commanders and the Secretaries of the Military Departments regarding any additional funds that will be required to complete authorized relief operations.

(3) Issue additional funds, as provided, to the implementing DoD Components through established funding channels.

f. Represent the Secretary of Defense, through the ASD(SO/LIC), in budget and program management-related discussions on FDR operations and execution with other U.S. departments and agencies, including USAID, and with foreign governments (in coordination with the appropriate Assistant Secretary of Defense, IOs, NGOs, and members of the private sector.

7. GENERAL COUNSEL, DEPARTMENT OF DEFENSE (GC, DoD). The GC, DoD, shall review and assess all potential DoD FDR operations for compliance with applicable law.

8. ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS (ASD(PA)). The ASD(PA) shall issue policy and guidance to the DoD Components for public affairs issues and activities associated with FDR efforts in the context of the overall USG response.

9. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS (ASD(LA)). The ASD(LA) shall issue policy and guidance to the DoD Components for legislative affairs issues and activities associated with FDR efforts in the context of the overall USG response.

10. USD(C)/CFO. The USD(C)/CFO shall collaborate with the Director, DSCA, to:

a. Ensure appropriate OHDACA funding is available for DoD to meet its requirements to provide FDR assistance.

b. Secure additional resources should a disaster relief operation require funding beyond available OHDACA funds.

11. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall:

a. Organize, train, and equip forces capable of conducting FDR in support of USG efforts.

b. Provide the Director, DSCA, cost estimates associated with potential participation in FDR activities.

12. CHAIRMAN OF THE JOINT CHIEFS OF STAFF. The Chairman of the Joint Chiefs of Staff shall:

a. Communicate approved requests for disaster relief assistance and funding authorization to the relevant Combatant Commander.

b. In situations where a military commander undertakes prompt action in order to save human lives in accordance with paragraph 4.f., ensure that OSD is informed as soon as possible, but no later than 72 hours after the start of relief operations, of:

(1) Any actions taken by a Combatant Commander in response to the disaster.

(2) The threat the disaster presents to U.S. forces or assets in the theater.

(3) The U.S. military personnel or material resources involved or expected to be involved in providing assistance.

(4) The expected duration of FDR operations.

(5) Other pertinent disaster-related information applicable to USG entities.

c. Develop planning guidance for Combatant Command participation in FDR operations; ensure Combatant Commander compliance with that guidance and this Directive.

13. COMMANDERS OF THE COMBATANT COMMANDS. The Commanders of the Combatant Commands, through the Chairman of the Joint Chiefs of Staff, shall:

a. Inform the ASD(SO/LIC) of any actions taken in response to a foreign disaster, including exercising prompt action to save human lives in accordance with paragraph 4f. Provide situation and after-action reports for all FDR actions.

b. Provide the ASD(SO/LIC) with analyses of capabilities and proposed courses of action for participation in FDR activities in support of validated requirements; provide the Director, DSCA, with associated cost estimates.

14. COMMANDER, UNITED STATES TRANSPORTATION COMMAND (USTRANSCOM). The Commander, USTRANSCOM, in addition to the responsibilities in section 13 of this enclosure, shall:

a. Ensure that DoD activities that support FDR transportation requirements, including the Air Mobility Command, Military Surface Deployment and Distribution Command, and Military Sealift Command, provide efficient global mobility, as appropriate, during Secretary of Defense approved FDR operations.

b. Provide responsive support for transportation of approved non-DoD personnel and non-DoD cargo.

c. Report estimated and actual costs to the appropriate geographic Combatant Command comptroller for inclusion in FDR cost reports.

GLOSSARY

PART I. ACRONYMS AND ABBREVIATIONS

ASD(APSA)	Assistant Secretary of Defense for Asian and Pacific Security Affairs
ASD(HD&ASA)	Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs
ASD(ISA)	Assistant Secretary of Defense for International Security Affairs
ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
ASD(PA)	Assistant Secretary of Defense for Public Affairs
ASD(SO/LIC)	Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict
DSCA	Defense Security Cooperation Agency
E.O.	Executive order
FDR	foreign disaster relief
GC, DoD	General Counsel, Department of Defense
IO	international organization
NGO	non-governmental organization
OHDACA	Overseas Humanitarian, Disaster, and Civic Aid
USAID	U. S. Agency for International Development
U.S.C.	United States Code
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer
USD(P)	Under Secretary of Defense for Policy
USG	U.S. Government
USTRANSCOM	United States Transportation Command

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Directive.

FDR. Assistance that can be used immediately to alleviate the suffering of foreign disaster victims. Normally, it includes services and commodities as well as the rescue and evacuation of victims; the provision and transportation of food, water, clothing, medicines, beds, and bedding, temporary shelter, the furnishing of medical equipment, medical and technical personnel; and making repairs to essential services. This term is equivalent to “emergency relief” as defined in part 060 of Volume 2, U.S. Department of State Foreign Affairs Manual (Reference (k)).

foreign disaster. A calamitous situation or event that occurs naturally (such as earthquakes, storms, droughts, volcanic eruptions, wild-fires) or through human activities (such as industrial explosions or fires, civil strife, infectious disease), which threatens or inflicts human suffering on a scale that may warrant emergency relief assistance from the USG or from foreign partners.