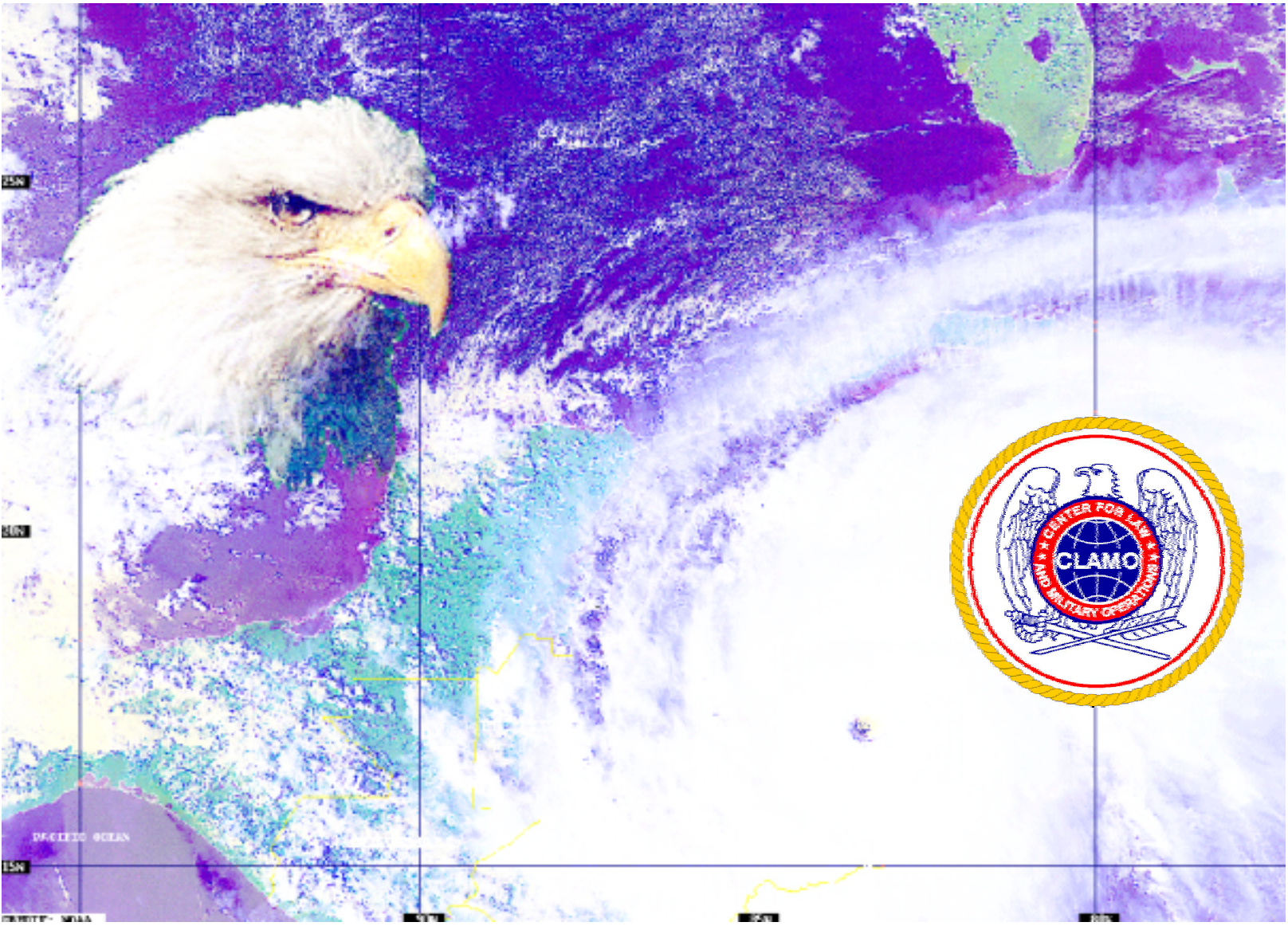
LAW AND MILITARY OPERATIONS IN CENTRAL AMERICA: HURRICANE MITCH RELIEF EFFORTS, 1998-1999



LESSONS LEARNED FOR JUDGE ADVOCATES

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The Center's **mission** is to examine legal issues that arise during all phases of military operations and to devise training and resource strategies for addressing those issues. It seeks to fulfill this mission in five ways. **First**, it is the central *repository* within The Judge Advocate General's Corps for all-source data, information, memoranda, after-action materials and lessons learned pertaining to legal support to operations, foreign and domestic. **Second**, it supports judge advocates by *analyzing* all data and information, *developing lessons learned* across all military legal disciplines, and by *disseminating* these lessons learned and other operational information to the Army, Marine Corps, and Joint communities through publications, instruction, training, and databases accessible to operational forces, world-wide. **Third**, it supports judge advocates in the field by responding to *requests for assistance*, by engaging in a continuous exchange of information with the *Combat Training Centers* and their judge advocate observer-controllers, and by creating operational law *training guides*. **Fourth,** it *integrates lessons learned* from operations and the Combat Training Centers into emerging *doctrine* and into the *curricula* of all relevant courses, workshops, orientations, and seminars conducted at The Judge Advocate General's School. **Fifth**, in conjunction with The Judge Advocate General's School, it sponsors *conferences and symposia* on topics of interest to operational lawyers

The contents of this report are not to be construed as official positions, policies, or decisions of the U.S. Army, The Judge Advocate General, the U.S. Marine Corps, or the Staff Judge Advocate to the Commandant of the Marine Corps. The Center welcomes and solicits suggestions and contributions of relevant operational law materials from the field.

LAW AND MILITARY OPERATIONS IN CENTRAL AMERICA: HURRICANE MITCH RELIEF EFFORTS, 1998-1999

LESSONS LEARNED FOR JUDGE ADVOCATES

CENTER FOR LAW AND MILITARY OPERATIONS

15 September 2000

PREFACE

This is the first *interagency* After Action Report produced by the Center for Law and Military Operations. This Report identifies lessons learned for judge advocates and other agency attorneys who participated in United States relief operations that took place in Central America following Hurricane Mitch, from 1998-1999. This Report is the result of a two-day conference hosted by the Center at The Judge Advocate General's School, Charlottesville, Virginia, from 23-24 April 1999. Participants included representatives of the following agencies:

The U.S. Army Judge Advocate General's Corps;
The U.S. Air Force Judge Advocate General's Department;
The U.S. Army Peacekeeping Institute;
The Office of the Deputy Chief of Staff for Civil Military Operations, USARSO;
The Defense Security Cooperation Agency;
The Office of Humanitarian Assistance and Demining, OSD;
The U.S. Agency for International Development (USAID);
Office of Foreign Disaster Assistance (USAID/OFDA);
The Institute for Defense Analysis; and
CARE.

This report would not have been possible without the contributions of all concerned. While *Law and Military Operations in Central America: Hurricane Mitch Relief Efforts, 1998-1999* contains lessons learned for judge advocates, it is intended to promote more effective interagency coordination and to assist both judge advocates and agency representatives in future relief operations of this nature.

The Center finds that legal services provided during this operation validate the Corps' new doctrine, contained in FM 27-100, and published 1 March 2000. Judge advocates increasingly practice individually, in remote locations, linked to main legal offices only by telephone and Internet. Judge advocates deployed in support of Hurricane Mitch relief efforts provided legal services to commanders and soldiers on operational law matters as well as all of the core military legal disciplines. Reach-back capability was essential to their success. The Hurricane Mitch relief effort also demonstrated that operations will continue to be conducted on short notice and on an interagency basis. Judge advocates must be prepared to deploy quickly, with operational law resource material, and with appropriate automation equipment. They must also be prepared to work with representatives of a variety of governmental, non-governmental, and private voluntary organizations. This Report is designed to assist in that regard.

Lessons learned materials, to include this Report, would not be possible without the detailed logs, records, and files submitted to the Center by dedicated judge advocates, legal administrators, legal specialists, and civilians. The Center invites your contributions, and requests that deploying and supporting legal personnel continue to submit materials concerning the legal support that you provide to all forms of operations, so that others may learn and profit from your experience.

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LAW AND MILITARY OPERATIONS IN CENTRAL AMERICA:

HURRICANE MITCH RELIEF EFFORTS, 1998-1999

LESSONS LEARNED FOR JUDGE ADVOCATES

We have before us a panorama of death, desolation, and ruin in all of the national territory. We are making an urgent call on the international community….[1]

President Carlos Flores Facusse
Honduras

I. INTRODUCTION

Human suffering and destruction of property are inevitable when the forces of nature deliver sustained winds of over 180 miles per hour and torrential rain of over 20 inches per day for four days. The tropical storm that became known as Hurricane Mitch was one of the worst storms to strike Central America this century, claiming thousands of lives and billions of dollars worth of property.[2]

The response from the United States to the urgent humanitarian needs of the region was extraordinary. The Departments of Defense and State, the U.S. Agency for International Development (USAID), and other federal and charitable organizations mobilized prior to the Hurricane making landfall, and initiated an immediate relief effort.

This report reflects the experiences of judge advocates and representatives of other federal and non-governmental agencies, who participated in the Hurricane Mitch disaster relief effort in Central America.

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[1] 1 PATRICK E. MURRAY, HISTORIAN, TWELFTH AIR FORCE AIR COMBAT COMMAND, HURRICANE MITCH AND U.S. AIR FORCE PARTICIPATION IN THE DISASTER RESPONSE, OCTOBER 1998-FEBRUARY 1999 [hereinafter AIR FORCE AAR] (on file with CLAMO) (citing *President Flores Calls on the International Community for Help*, HONDURAS THIS WEEK ONLINE, Nov. 1998, at 2).

[2] NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, 1998 HURRICANE SEASON WRAP-UP (visited Mar. 14, 2000) <http://www.outlook.noaa.gov/98hurricanes>.

Many of the judge advocates tasked with supporting the relief effort found themselves without helpful references. This report is intended to provide judge advocates with a starting point for foreign disaster support operations.

The Center for Law and Military Operations held its first inter-agency After Action Review (AAR) in April 1999 at The Judge Advocate General's School, Army, Charlottesville, Virginia.[3] The AAR included representatives of:

The U.S. Army Judge Advocate General's Corps
The U.S. Air Force Judge Advocate General's Department
The U.S. Army Peacekeeping Institute
U.S. Southern Command (SOUTHCOM)
The Office of the Deputy Chief of Staff for Civil Military Operations, USARSO
The Defense Security Cooperation Agency
The Office of Humanitarian Assistance and Demining, OSD
The U.S. Agency for International Development (USAID)
Office of Foreign Disaster Assistance (USAID/OFDA)
The Institute for Defense Analysis (IDA)
CARE

This publication is based on presentations given, insights offered, and material provided, during the AAR; interviews of deployed judge advocates, legal specialists, and other participants; and after action reports produced by judge advocates, legal offices, and other agencies involved in the relief effort.

A major reason for this book and for the Center for Law and Military Operations' interagency After Action Review of Hurricane Mitch is to promote integration and coordination among the military, government organizations and agencies, and non-governmental and private organizations in foreign disaster relief and other operations.

Colonel David E. Graham
Director, Center for Law and Military Operations

[3] The AAR was conducted at The Judge Advocate General's School, U.S. Army, Charlottesville, Virginia, April 23-24, 1999. A verbatim transcript, videotape of the AAR and Power Point presentations are on file at CLAMO. Citations to the AAR are based on the transcript.

II. THE OPERATIONAL CONTEXT

A. THE HURRICANE

The National Oceanic and Atmospheric Administration (NOAA) calls the 1998 Atlantic region hurricane season "the deadliest in more than 200 years…" [4] This distinction was due in large part to Hurricane Mitch. Mitch, "a Category 5 monster," [5] claimed an estimated 11,000 lives,[6] logged sustained winds near 180 miles per hour (mph) and brought gusts over 200 mph. It was the fourth most intense hurricane observed in the Atlantic this century.[7]

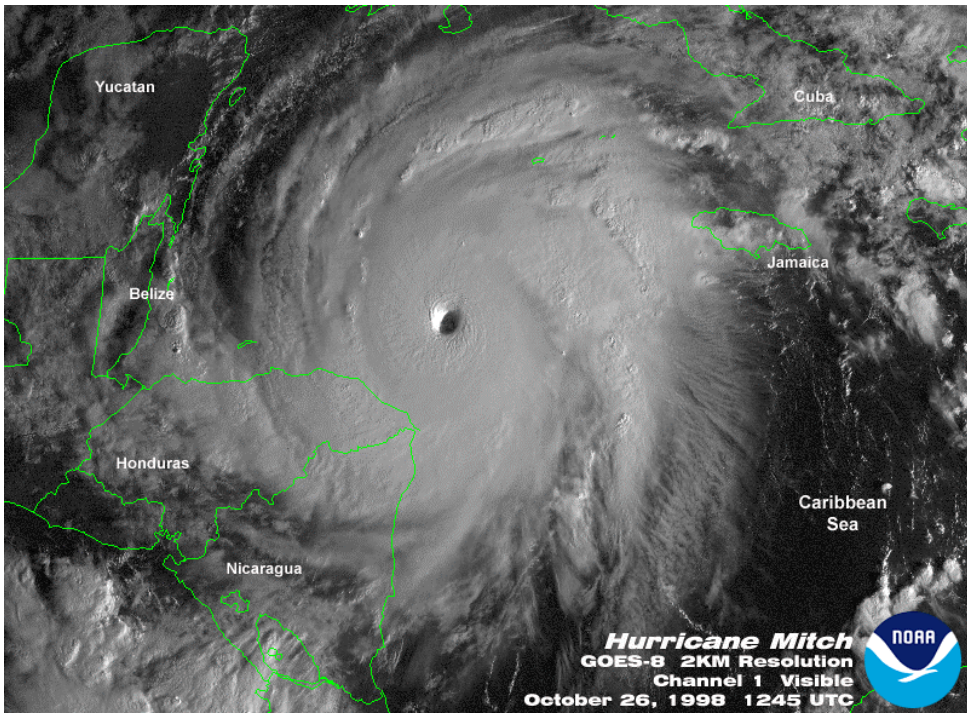

Figure Intro-1, Hurricane Map, 26 Oct 98.

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[4] NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, 1998 HURRICANE SEASON WRAP-UP (visited Mar. 14, 2000) <http://www.outlook.noaa.gov/98hurricanes>.

[5] NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, 1998 HURRICANE SEASON WRAP-UP (visited Mar. 14, 2000) <http://www.outlook.noaa.gov/98hurricanes>.

[6] NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, 1998 HURRICANE ACTIVITY FOR THE NORTH ATLANTIC, CARIBBEAN SEA AND GULF OF MEXICO (Nov. 30, 1998) (visited Apr. 12, 2000) <http://www.outlook.noaa.gov/98hurricanes/hilites.html>.

[7] NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, 1998 HURRICANE SEASON WRAP-UP (visited Mar. 14, 2000) <http://www.outlook.noaa.gov/98hurricanes>.

An organizing cloud pattern was observed in the southwest Caribbean Sea approximately 360 miles south of Kingston, Jamaica on 21 October 1998. Mitch became a tropical depression on 22 October, and strengthened to a tropical storm later that day. Mitch was classified a hurricane on 24 October, then moved toward the west and began to intensify rapidly. At its peak intensity on 26 October, Mitch's maximum one-minute sustained surface winds were estimated to be 180 mph – a Category 5 hurricane on the Saffir/Simpson Hurricane scale.[8]

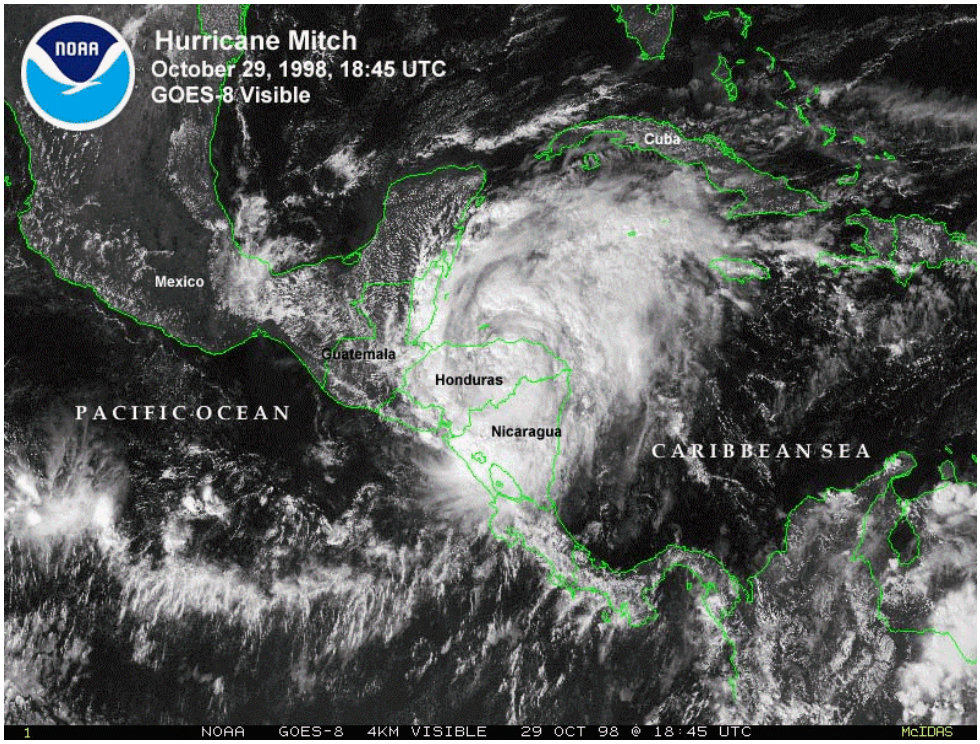

Figure Intro-2, Hurricane Map, 29 Oct 98.

The center of Hurricane Mitch drifted toward the north coast of Honduras, battering the Bay Islands. The storm appeared to stall, but then moved southward and inland, weakening to a tropical storm on 30 October. Mitch moved slowly over Honduras and Guatemala on 30-31 October, while gradually weakening to a tropical depression, but still generating "torrential rains over portions of Honduras and Nicaragua where the associated floods

[8] JOHN L. GUINEY AND MILES B. LAWRENCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, PRELIMINARY REPORT, HURRICANE MITCH, 22 OCTOBER - 05 NOVEMBER 1998 (Jan. 28, 1999) <http://www.nhc.noaa.gov/1998mitch.html>.

were devastating."[9] Heavy rains also occurred in neighboring countries, particularly Guatemala and El Salvador, with locally heavy rain over portions of Belize and Southeastern Mexico.[10]

Honduras was the hardest hit, loosing well over 6,000 people, 90% of its banana crop, and 170 bridges.[11] On 2 November, Honduran President Carlos Flores Facusse issued a plea for help: "We have before us a panorama of death, desolation, and ruin in all of the national territory. We are making an urgent call on the international community…."[12] The U.S. military and diplomatic communities were already responding to the tragedy. The U.S. Ambassador to Honduras had declared a disaster five days prior to the Honduran President's request; the U.S. Army and Air Force were flying relief missions by the time President Flores issued his plea.

B. THE RESPONSE

1. The Immediate Response

The U.S. response to the suffering caused by Hurricane Mitch was unprecedented. The Department of Defense, the U.S. Agency for International Development (USAID), and the U.S. Department of Agriculture (USDA) responded to the disaster, at a total cost of over $300 million.

Joint Task Force Bravo (JTF-BRAVO) had been based at Soto Cano Airbase in Honduras since 1983. In 1998, approximately 450 JTF-BRAVO personnel shared Soto Cano with the Honduran Air Force. JTF-BRAVO had a standing-Civic/Humanitarian Affairs cell, which had a relationship with the U.S. Embassy in Tegucigalpa, Honduras and with local governmental agencies. For years, the joint task force had coordinated New

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[9] NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, 1998 HURRICANE ACTIVITY FOR THE NORTH ATLANTIC, CARIBBEAN SEA AND GULF OF MEXICO (Nov. 30, 1998) (visited Apr. 12, 2000) <http://www.outlook.noaa.gov/98hurricanes/hilites.html>.

[10] JOHN L. GUINEY AND MILES B. LAWRENCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, PRELIMINARY REPORT, HURRICANE MITCH, 22 OCTOBER - 05 NOVEMBER 1998 (Jan. 28, 1999) <http://www.nhc.noaa.gov/1998mitch.html>.

[11] U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, EFFECTS OF HURRICANE MITCH OCTOBER-NOVEMBER, 1998 (at Appendix Intro-1).

[12] AIR FORCE AAR, supra note 1.

Horizons exercises, a deployment training program that produced roads, bridges, schools, water wells, and clinics in Honduras.[13]

The World Food Program and CARE kept approximately 60,000 metric tons of food for on-going programs positioned at La Mesa International Airport near San Pedro Sula in Northern Honduras.[14] Soto Cano and La Mesa airports would become key staging areas for the relief effort.

By 26 October, JTF-BRAVO and the 24th Air Wing at Howard Air Force Base in Panama were on alert. JTF-BRAVO prepared to serve as an intermediate staging base, prepositioning equipment, activating an emergency operations center, and coordinating with USAID's Office of U.S. Foreign Disaster Assistance (USAID/OFDA). The 24th Wing had four C-130s and two C-27s alerted to support potential operations in Honduras.[15]

On 27 October, the U.S. Ambassador to Honduras declared a disaster, allowing immediate access to U.S. disaster response funding. USAID/OFDA immediately channeled $125,000 to the USAID Mission in Honduras for local purchase of relief supplies.[16] At this point, it appeared Honduras had been spared the brunt of the hurricane, and the region braced for its impact on Belize. "There was a premature sense of relief that Honduras had been spared…."[17] Still, JTF-BRAVO personnel and local agencies continued to plan. On 29 October, Hurricane Mitch moved southwesterly over Honduras and Guatemala. As the Hurricane moved inland, it slowed, pouring "torrents of rain for five straight days."[18]

Soto Cano Airbase was now in danger itself. Task Force personnel struggled to save the electric power plant on base, which was necessary if Soto Cano was to serve as the intermediate staging base for relief operations. Personnel filled sandbags, and purchased coffee bags and more sand when

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[13] AIR FORCE AAR, supra note 1, at 8.

[14] AIR FORCE AAR, supra note 1, at 7.

[15] AIR FORCE AAR, supra note 1, at 9-10.

[16] U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, CENTRAL AMERICA – HURRICANE MITCH FACT SHEET #4 (Nov. 2, 1998) (visited Mar. 14, 2000) <http://www.reliefweb.int>.

[17] AIR FORCE AAR, supra note 1, at 10.

[18] AIR FORCE AAR, supra note 1, at 12.

the supply on hand proved insufficient.[19] The JTF-BRAVO commander remarked "It was very interesting, and you felt a lot of pride in watching helicopter pilots, firemen, doctors, lawyers, contractors—everbody—out filling sandbags."[20] Before the end of 29 October, all the airfields in northern Honduras, except Soto Cano, were under water.[21]

By 31 October, despite flooding at Soto Cano, the first segment of the 24th Wing arrived from Panama. On 1 November, the weather permitted local flying, and JTF-BRAVO sent UH-60s to conduct initial assessments. They reported devastation, extensive flooding, and impassable highways. UH-60 Blackhawks from the U.S. Army's 228th Aviation Battalion flew rescue missions to save local citizens stranded on rooftops and in trees.[22] C-130s and C-27s flew five relief missions to airdrop 100 cases of Meals-Ready-to-Eat (MREs) and blankets to victims.[23]

USAID/OFDA provided funding for the assessment and rescue flights, and arranged for commercial airlifts of relief into Honduras. The first relief supplies arrived by air on 31 October and 1 November. USAID also allocated $200,000 to the USAID Mission in Honduras and $400,000 to local PVOs for the purchase of relief supplies.

Emergency disaster assistance also began in neighboring countries.[24] On 2 November, two U.S. Blackhawks and one U.S. Chinook, funded by USAID, joined the search and rescue efforts in Nicaragua. (See section *III.D.10. Fiscal Issues of Other Agencies* for a discussion of funding of U.S. military operations by other agencies.) USAID/OFDA also prepositioned funding in Guatemala and El Salvador, and arranged for movement of relief supplies into those countries.[25]

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[19] AIR FORCE AAR, supra note 1, at 13. 350 JTF-BRAVO personnel, Honduran workers, local militia soldiers, and civilian contractors worked round-the-clock for four days to protect the power generators.

[20] AIR FORCE AAR, supra note 1, at 13-14.

[21] AIR FORCE AAR, supra note 1, at 15.

[22] AIR FORCE AAR, supra note 1, at 16.

[23] AIR FORCE AAR, supra note 1, at 16.

[24] U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, CENTRAL AMERICA – HURRICANE MITCH FACT SHEET #4 (Nov. 2, 1998) (visited Mar. 14, 2000) <http://www.reliefweb.int>.

[25] U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, CENTRAL AMERICA – HURRICANE MITCH FACT SHEET #4 (Nov. 2, 1998) (visited Mar. 14, 2000) <http://www.reliefweb.int>.

The USAID/OFDA Disaster Assistance Response Team (DART), led by OFDA's Senior Regional Advisor in Costa Rica, coordinated support with the affected countries. Once JTF-BRAVO and OFDA conducted initial damage assessments, the real magnitude of the storm became apparent. Disaster relief operations and humanitarian assistance would be much larger in scope and take far longer than initially anticipated.[26]

2. Operation Fuerte Apoyo ("Strong Support")

Military Operations in Central America fall under the United States Southern Command (SOUTHCOM).[27] After receiving disaster assessments, the Commander in Chief, SOUTHCOM (CINCSO) requested, and the Chairman of the Joint Chiefs of Staff (CJCS) issued, a deployment order for disaster relief operations.[28] A CJCS message dated 5 November 1998 contained the first deployment order for units to augment JTF-BRAVO.[29] On 6 November, President Clinton directed the drawdown of up to $30 million worth of articles and services from the inventory and resources of the Department of Defense in support of relief operations.[30]

Because JTF-BRAVO was immersed in relief operations in Honduras, SOUTHCOM formed Joint Task Force Aguila (JTF-A) (or "Eagle" in English) on 10 November 1998, to conduct humanitarian relief and disaster assistance in Nicaragua, Guatemala, and El Salvador. On 13 November 1998, the JTF-A commander deployed with the Deployable Joint Task Force Augmentation Cell (DJTFAC) to establish JTF-A in El Salvador.[31] A

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[26] U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, CENTRAL AMERICA – HURRICANE MITCH FACT SHEET #4 (Nov. 2, 1998) (visited Mar. 14, 2000) <http://www.reliefweb.int>.

[27] The United States Southern Command (SOUTHCOM) Headquarters is located in Miami, Florida. Marine General Charles E. Wilhelm was the Commander in Chief, SOUTHCOM, during the relief effort. SOUTHCOM components are the 12th Air Force, U.S. Army South, Marine Forces South and U.S. Atlantic Fleet.

[28] AIR FORCE AAR, supra note 1, at 19.

[29] *See* Message, 052023Z Nov 98, CJCS, Washington DC, subject: Deployment Order (5 Nov. 1998) (text of message is at Appendix Intro-2).

[30] This authorization was issued under the Foreign Assistance Act of 1961, 22 U.S.C. §2318 (a)(2), through Presidential Determination 99-03. On Nov. 14, 1998, President Clinton authorized the drawdown of an additional $45 million through Presidential Determination 99-04.

[31] LTC Jeffrey Addicott, SOUTHCOM Deputy Staff Judge Advocate, SOUTCOM, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). PowerPoint slide #7 notes. COL(P)Virgil L. Packet, the Assistant Division Commander for Support of the 101st Airborne Division (Air Assault), from Ft. Campbell, Kentucky, served as the JTF-A commander.

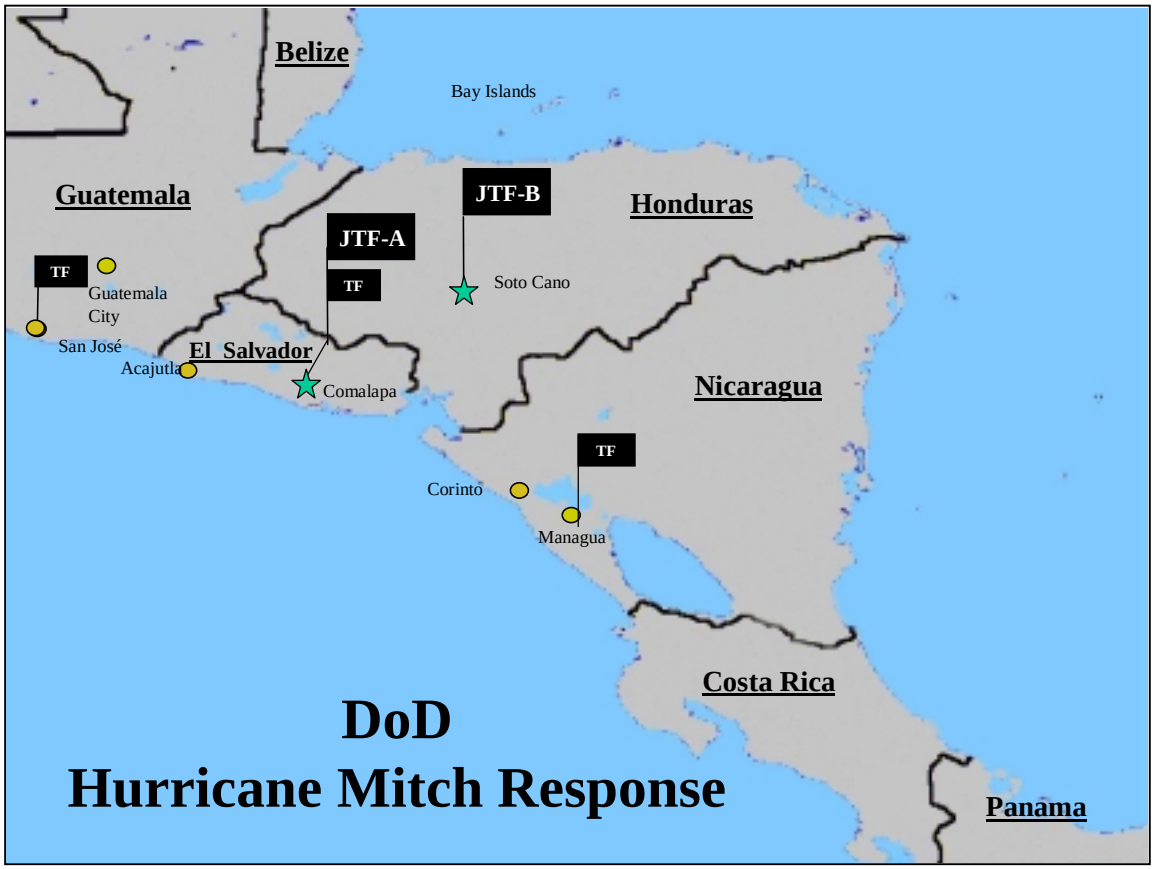

Figure Intro-3, JTF A and JTF-Bravo Locations.

subsequent deployment order, dated 16 November 1998, authorized deployment of units to join the new JTF.[32] The Joint Operations Area for JTF–Aguila covered over 100,000 square miles.

JTF-A[33] formed Task Forces in El Salvador,[34] Nicaragua,[35] and Guatemala.[36] JTF-A headquarters was co-located with TF-El Salvador. The

[32] *See* Message, 0161415Z Nov 98, CJCS, Washington DC, subject: Deployment Order (16 Nov. 1998) (text of message is at Appendix Intro-4).

[33] JTF Aguila consisted of Headquarters,. 593rd Combat Support Group, 1 POG, 46th CSG (ABN)(JLC), 55th Medical Group (JMC), 93rd Signal Brigade, 2/350 Civil Affairs TAC Support, HOC (USARSO) (*See* Appendix K-3).

[34] Task Force El Salvador consisted of Headquarters, 593rd Combat Support Group, 7-101 Aviation Detachment, CSSD 69(HQ)(USMC), 621st AMG TALCE MOG (USAF) (*See* Appendix K-3).

[35] Task Force Nicaragua consisted of Headquarters, 36TH Engineer Group, 46th (Combat Heavy) Engineer Battalion, 93rd Signal Detachment, 96th Civil Affairs Tactical Support Team, 7-101 Aviation Detachment, 189th LTF (CSB)(TACON), 261st Medical Battalion (-) (TACON) (*See* Appendix K-3).

disaster relief operation was titled Operation Fuerte Apoyo ("Strong Support"). SOUTHCOM assigned forces from U.S. Army South (USARSO),[37] Special Operations Command, South (SOCSO), and the 24th Wing. These forces were placed under the tactical control of the Commanders, JTF-BRAVO and JTF-A to conduct life saving operations, deliver emergency relief supplies, and provide medical assistance.

The key implementation arms for military engagement in foreign nations are the Defense Attaché Offices (DAOs) and Military Liaison Groups (MILGRPs), which work out of the United States embassies and report to the local United States Ambassador as well as USSOUTHCOM. The DAOs and MILGRPs conduct the military-to-military contact between most countries. Nicaragua had a DAO, but no MILGRP. This made coordination of the relief effort more difficult in Nicaragua in the initial phases.

3. The Phased Operation

USSOUTHCOM conducted the relief operation in three phases:

Phase I - The Emergency Phase (28 October – 28 November 1998)
Phase II - The Rehabilitation Phase (28 November 1998 – 20 February 1999)
Phase III - The Restoration Phase (28 February – September 1999)

a. Phase I – The Emergency Phase

During Phase I, JTF-BRAVO conducted initial area assessments and disaster assessments, as discussed above. SOUTHCOM focused on augmenting JTF-BRAVO, creating JTF-A, and providing emergency relief supplies. Phase I operations created a variety of fiscal issues, discussed in section *III.D. Fiscal Law*.

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[36] Task Force Guatemala consisted of Headquarters, 819/820 RED HORSE Squadrons, 819th/820th RED HORSE Squadrons (-), 264th LTF (CSB)(TACON), 1-159 Aviation Detachment, A/2D Medical Battalion (USMC)(TACON) Task Force El Salvador, 93rd Signal Detachment, 1/350 Civil Affairs Tactical Support Team (*See* Appendix K-3).

[37] United States Army South (USARSO) is currently located in San Juan, Puerto Rico. During Hurricane Mitch, USARSO was in the process of moving from Panama to Puerto Rico.

During Phase I, JTF-BRAVO rescued approximately 700 people and delivered over 2.5 million pounds of food, almost 70,000 gallons of water, and almost 95,000 pounds of medical supplies.[38] SOUTHCOM deployed 39 rotary and six fixed-wing aircraft, along with a Naval Special Operations unit from Panama. The aircraft flew more than 1,000 hours. The Navy unit was equipped with ten Zodiac rubber boats, which were used for rescue operations. SOUTHCOM's Phase I operations cost approximately $35 million.[39]

Airlift of supplies and personnel into the AOR was provided primarily by U.S. Reserve component and Air National Guard assets.[40] Air Guard, Air Force Reserve, and Naval Reserve units flew at least 56 support flights, transporting over 780 tons of cargo. The Air Guard assigned to Panama flew more than 100 relief flights, transporting over 475 passengers and 620 tons of supplies.[41]

The DJTFAC, which arrived on 13 November 1998, established the operational base for JTF –A. It consisted primarily of planners, who prepared for the arrival of the JTF units. JTF-A headquarters was established on Comalapa Air Base, El Salvador.[42] The DJTFAC developed the mission framework and wrote the JTF Operations Order.

The Commander's intent was to restore critical ground lines of communication; support host nation efforts to relieve near term human suffering; set the conditions to facilitate long term regional recovery; and to conduct operations with country-tailored task forces. In Nicaragua, JTF Aguila's main effort would be focused at the national level. In El Salvador, efforts were focused at local levels and in Guatemala, efforts were focused at

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[38] *DoD Moves to Next Phase of Hurricane Mitch Relief Effort*, DEFENSELINK NEWS SERVICE (Nov. 19, 1998) (visited Apr. 13, 2000) <http://www.defenselink.mil/news/Nov1998/b11191998_bt602-98.html>.

[39] *DoD Moves to Next Phase of Hurricane Mitch Relief Effort*, DEFENSELINK NEWS SERVICE (Nov. 19, 1998) (visited Apr. 13, 2000) <http://www.defenselink.mil/news/Nov1998/b11191998_bt602-98.html>.

[40] *DoD Moves to Next Phase of Hurricane Mitch Relief Effort*, DEFENSELINK NEWS SERVICE (Nov. 19, 1998) (visited Apr. 13, 2000) <http://www.defenselink.mil/news/Nov1998/b11191998_bt602-98.html>.

[41] *DoD Moves to Next Phase of Hurricane Mitch Relief Effort*, DEFENSELINK NEWS SERVICE (Nov. 19, 1998) (visited Apr. 13, 2000) <http://www.defenselink.mil/news/Nov1998/b11191998_bt602-98.html>.

[42] Comalapa Air Base is located 50 kilometers south of the capital of El Salvador, San Salvador, and shares its main runway with the San Salvador International Airport. The forward operating bases included TF El Salvador, TF Guatemala and TF Nicaragua. See Appendix G-2 for the Memorandum of Understanding for the Use of Facilities and Real Estate on Comalapa Air Base, El Salvador.

municipal levels. The JTF Humanitarian Operations Center (HOC) was to coordinate at the national level and was the link with private voluntary organizations (PVOs), non-governmental organizations (NGOs), and relief agencies.

b. Phase II – The Rehabilitation Phase

The primary focus for Phase II was repair to infrastructure with a view toward returning national capabilities to provide for health and basic welfare of the population. During Phase II, the number of DoD personnel quadrupled, from 1,300 to more than 5,400.[43] Available helicopters increased from 39 to over 50.

During Phase II, U.S. forces performed over 200 strategic airlifts, moving over 8,000 short tons of equipment. Fifty-three rotary and ten fixed wing aircraft flew over 5,000 hours, transporting over eight million pounds of supplies and one million gallons of water.[44] Eleven Military Sealift Command Vessels conducted the most extensive sealift since Desert Storm, moving over 650,000 square feet of equipment and supplies.[45]

Engineer teams rebuilt roads and bridges, restored power, repaired schools and clinics, and drilled wells. Medical teams fought to control disease and vectors, monitored food and water safety, assisted in sanitation projects, cared for domestic animals, and conducted epidemiological surveys.[46]

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[43] *DoD Moves to Next Phase of Hurricane Mitch Relief Effort*, DEFENSELINK NEWS SERVICE (Nov. 19, 1998) (visited Apr. 13, 2000) <http://www.defenselink.mil/news/Nov1998/b11191998_bt602-98.html>. Deployed units included portions of the II Marine Expeditionary Force, the Marine Corps 2d Force Service Support Group, the Marine Corps 8th Engineer Support Battalion, Naval Mobile Construction Battalion 7 (SEABEES), the Army 1st Corps Support Command of 18th Airborne Corps, Army 539th Corps Support Group, Air Force 819th Civil Engineering Squadron (Red Horse), Air Force 820thCivil Engineering Squadron (Red Horse), Army 55thEngineer Company (Medium Girder Bridge), Army 46th Engineer Battalion, Army Headquarters of 36thEngineer Group, Army 63d Combat Support Equipment Company, Army 68th Combat Support Equipment Company, and numerous guard and reserve units.

[44] LTC Jeffrey Addicott, SOUTHCOM Deputy Staff Judge Advocate, SOUTCOM, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). PowerPoint slide #8 notes.

[45] LTC Jeffrey Addicott, SOUTHCOM Deputy Staff Judge Advocate, SOUTCOM, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). PowerPoint slide #8 notes.

[46] LTC Jeffrey Addicott, SOUTHCOM Deputy Staff Judge Advocate, SOUTCOM, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). PowerPoint slide #8 notes.

c. Phase III – The Restoration Phase

During this phase, SOUTHCOM moved from disaster relief to infrastructure reconstruction. The reconstruction effort was conducted through the Humanitarian and Civic Assistance (HCA) program and the CJCS New Horizons exercises.[47] New Horizons is a series of on-going exercises in Central America begun in the mid-1980s to provide training to U.S. military personnel, with an ancillary benefit to the host nation. New Horizons is designed to improve joint training readiness of U.S. engineer, medical and support units by providing opportunities for these units to hone their skills. Authorized activities include rudimentary construction of schools and clinics, well drilling, road and bridge improvements, and medical treatment of the host nation population.

Two New Horizons exercises were planned prior to the hurricane: Honduras 01 (13 February - 30 June) and Guatemala 01 (8 February – 3 May). Enhanced New Horizons (ENH) was created to extend the Hurricane Mitch relief effort by offering training opportunities to a greater number of Reserve and National Guard units. Supplemental appropriations by the U.S. Congress provided funding for the unscheduled additions. Five additional exercises were scheduled to complete ENH: Honduras 2 (20 February – 21 August), Nicaragua (1 April – 15 August), El Salvador (30 March – 1 August), Dominican Republic (1 April – 7 August), and Guatemala 2 (1 May – 30 August). These exercises are discussed in more detail in *Section IV.L., Reserve Component Lessons Learned.*

CINCSO established a Forward Command Element to coordinate the exercises outside Honduras, with a National Guard brigadier general in command and a U.S. Army Reserve colonel as Deputy Commander. JTF-BRAVO coordinated the Honduras exercises. The National Guard led Honduras 1 and 2, Nicaragua, and the Dominican Republic. The USAR led Guatemala 1 and 2 and El Salvador.[48]

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[47] *See* section III.L.1.c. Phase III: The restoration Phase (Expanded New Horizons) (for a more detailed explanation of the new Horizons exercises).

[48] COL Clyde Vaughn, Chief, Operations Division, Army National Guard, PowerPoint presentation on Expanded New Horizons, slide 6 (on file with CLAMO).

The ENH exercises involved 20,300 soldiers from 236 National Guard and USAR units.[49] The purpose of the exercises was training for the designated units. Rehabilitated infrastructure was an ancillary benefit to the host nations.[50] Repair projects during ENH included 23 schools, 9 clinics, 17 wells, 4 bridges, and 27 medical exercises.[51] Expanded New Horizons has been completed. Traditional New Horizons exercises will continue.

[49] COL Clyde Vaughn, Chief, Operations Division, Army National Guard, PowerPoint presentation on Expanded New Horizons, slide 6 (on file with CLAMO). These totals include 126 National Guard units from 41 states and 110 USAR units, and 12,600 National Guard soldiers and 7,700 USAR soldiers.

[50] COL Clyde Vaughn, Chief, Operations Division, Army National Guard, PowerPoint presentation on Expanded New Horizons, slide 5 (on file with CLAMO).

[51] COL Clyde Vaughn, Chief, Operations Division, Army National Guard, PowerPoint presentation on Expanded New Horizons, slide 6 (on file with CLAMO).

III. NON-MILITARY PARTICIPANTS IN FOREIGN DISASTER RELIEF OPERATIONS

When a disaster of large proportions occurs, the entire international humanitarian relief community can activate to respond, to include United Nations humanitarian organizations, international organizations, private voluntary organizations, non-governmental organizations, donor agencies, host governments and ministries, and governmental organizations and the militaries of various nations. These agencies must work together to ensure an efficient response to the crisis. Typically, interagency coordination proves difficult, as organizations begin to work together for the first time. Such was the case during the Hurricane Mitch response.

Judge advocates reported that they did not understand the roles and working relationships between the military and other U.S. agencies when they deployed. They also lacked sufficient understanding of the capabilities of non-governmental and private voluntary organizations. This chapter is designed to acquaint judge advocates with the roles of the various organizations they may encounter during foreign disaster relief missions. It is neither a complete nor a definitive guide, but rather an overview. A basic understanding of these organizations is critical to understanding the lessons learned which follow in Section IV.

"*Government Organizations*" *(GOs)* are official arms of government. The USAID and the U.S. Army are both United States GOs. The term GO may apply to the agencies of other governments as well. However, when used in this book, the term will refer to United States Government organizations and offices unless otherwise stated.

Non-Governmental organizations (NGOs) are citizen's voluntary organizations organized nationally or internationally. They are typically non-profit organizations. Some are active in information and education. Others are operationally engaged in technical projects, relief, refugee and development programs. The term NGO is sometimes used to refer to European organizations.[52] The term *Private Voluntary Organization (PVO)* is generally used to refer to U.S.-based, tax-exempt, non-profit organizations

[52] *See* Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

involved in international humanitarian efforts such as relief, development, refugee assistance, environmental protection, education and public policy. In practice, the terms NGO and PVO are sometimes used interchangeably.

International Organizations (IOs) are organizations such as the International Committee of the Red Cross (ICRC), the International Federation of the Red Cross (IFRC) and International Organization for Migration (IOM). The United Nations (UN) also has several relief-focused agencies, such as United Nations Children's Fund (UNICEF), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations High Commissioner for Refugees (UNHCR) and the World Food Program (WFP).

A more detailed description of some of the IOs, PVOs and NGOs is at *Appendix B-6: International Organizations (IOs), Non-Governmental Organizations (NGOs), and Private Organizations (PVOs).* The critical U.S. GOs and representative PVOs are discussed below to better acquaint judge advocates with their roles and responsibilities.

A. GOVERNMENT ORGANIZATIONS

The key U.S. government organizations in foreign disaster relief operations are:

- The *Department of State (DOS)* and the embassy or mission in the affected nations.
- USAID/OFDA**:** *The Office of Foreign Disaster Assistance (OFDA)* is a part of *The U.S. Agency for International Development (USAID).*
- DSCA/HA/D: *The Office of Humanitarian Assistance and Demining (HA/D)* is a sub-component of *The Defense Security and Cooperation Agency (DSCA).*
- USDA: *The U.S. Department of Agriculture (USDA).*

1. Department of State (DOS)

The DOS advises the President in the formulation and execution of foreign policy. Its primary mission in the conduct of foreign relations is to

promote the interests of the United States overseas. The DOS also has a support role in disaster or environmental assistance events or domestic counterdrug operations having international implications. The DOS must approve all Humanitarian and Civic Assistance (HCA) initiatives. (The HCA program is discussed in greater detail below under *e. Office of Humanitarian Assistance and Demining (HA/D), Defense Security Cooperation Agency (DSCA)*). When a disaster exceeds a foreign nation's response capacity, that nation can request assistance from the U.S. through the U.S. Ambassador or Chief of Mission. The U.S. Ambassador or Chief of Mission may declare a disaster and request assistance from USAID/OFDA through the Department of State.

2. The U.S. Embassy for the Affected Nation

The ambassador (or U.S. Chief of Mission) must approve all U.S. activity in the host nation. U.S. government agencies may not conduct foreign disaster relief activities in a particular nation until the ambassador officially declares a disaster. A chief of mission may declare a disaster if (1) the host nation government has requested or will accept U.S. assistance, (2) the magnitude of the disaster is beyond the host nation government's ability to respond adequately; and (3) it is in the interest of the U.S. Government to respond. During Hurricane Mitch, U.S. chiefs of mission in the affected countries declared disasters in accordance with established Department of State procedures. See *Appendix K-2: Hurricane Mitch U.S. Government Organizations Timeline* for specific declaration times.

3. United States Agency for International Development (USAID)

USAID is responsible for implementing U.S. foreign economic and humanitarian assistance programs. USAID is an independent federal government agency that operates under the foreign policy guidance of the Department of State. USAID's history goes back to the Marshall Plan for the reconstruction of Europe after World War Two and the Truman Administration's Point Four Program. In 1961, President John F. Kennedy signed the Foreign Assistance Act into law and created USAID by executive order. Since that time, USAID has been the principal U.S. agency that

extends assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms.[53]

USAID is responsible for the administration of the Foreign Assistance Act functions including foreign disaster relief. The Administrator of the USAID is the President's Special Coordinator for International Disaster Response, whose duty is to "promote maximum effectiveness and coordination in responses to foreign disasters by U.S. agencies and between the U.S. and other donors."[54] The agency works in six principle areas crucial to achieving both sustainable development and advancing U.S. foreign policy objectives:

(1) Economic growth and agricultural development
(2) Population, health and nutrition
(3) Environment
(4) Democracy and governance
(5) Education and training
(6) Humanitarian assistance

USAID is headed by an Administrator and Deputy Administrator, both appointed by the President and confirmed by the Senate. In Washington, USAID's major organization units are called bureaus. Each bureau houses the staffs responsible for major subdivisions of the agency's activities. USAID has both geographic bureaus (which are responsible for the overall activities in the countries where USAID has programs) and functional bureaus (that conduct agency programs that are world-wide in nature or that cross geographic boundaries.) The agency's geographic bureaus include:

- Sub-Saharan Africa (AFR)
- Asia and the Near East (ANE)
- Latin America & the Caribbean (LAC)
- Europe and Eurasia (E&E)

USAID's functional bureaus are:

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[53] U.S. Agency for International Development, *This is USAID* (visited Apr. 12, 2000) < http://www.info.usaid.gov/about/>.

[54] Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

- Global Programs, Field Support & Research (G)
- Humanitarian Response (BHR)

In addition, certain major headquarters functions are also assigned to bureaus. Headquarters bureaus are:

- Management (M)
- Legislative and Public Affairs (LPA)
- Policy and Program Coordination (PPC)

Each bureau is headed by an Assistant Administrator, appointed by the President and confirmed by the Senate. In addition to these bureaus, USAID has several independent offices that carry out discrete functions for the agency. These offices are headed by directors appointed by the USAID Administrator. See *Appendix B-3: Organizational Charts for U.S. Department of State, U.S. Agency for International Development (USAID), and Office for Foreign Disaster Assistance (OFDA)* for a diagram of USAID's structure. It is USAID's Bureau for Humanitarian Response which is key in foreign disaster relief operations, for within it is the Office for Foreign Disaster Assistance (OFDA) (described in greater detail below).

USAID works through "implementing partners": private voluntary organizations, indigenous organizations, universities, American businesses, international agencies, other governments, and other U.S. government agencies. USAID has working relationships with more that 3,500 American companies and over 300 U.S.-based private voluntary organizations.[55]

USAID provides funding to the International Committee of the Red Cross (ICRC), the International Federation of the Red Cross (IFRC) and individual country Red Cross societies. USAID also contracts with NGOs and PVOs for specific programs. USAID works closely with UNICEF, the World Food Program and other UN agencies.[56]

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[55] U.S. Agency for International Development, *This is USAID* (visited Jul. 5, 2000) <http://www.info.usaid.gov/about/> and <http://www.info.usaid.gov/about/usaidorg.html>.

[56] Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

4. Office of United States Foreign Disaster Assistance (USAID/OFDA)

When disasters strike in foreign countries, USAID's Office of U.S. Foreign Disaster Assistance (OFDA) is designated to lead the response. See *Appendix B-3: Organizational Charts for U.S. Department of State, U.S. Agency for International Development (USAID), and Office for Foreign Disaster Assistance (OFDA)*. OFDA can respond to disasters through grants to the embassy in the affected country, through grants to NGOs and IOs working with affected people (such as the United Nations and the International Committee of the Red Cross), by fielding a team to the affected country to assess the situation and work with relief personnel in the field (a Disaster Assistance Response Team, or DART), and by requesting and funding military activities in support of their operation. OFDA also maintains stockpiles of relief commodities such as plastic sheeting, tents, and water purification units, which it can provide quickly when needed. In order to reduce the impact of disasters when they strike, OFDA also sponsors development of early warning system technology and in-country and international training programs designed to strengthen the ability of foreign governments to rely on their own resources.[57]

USAID/OFDA is the lead agency for U.S. government foreign disaster relief. The OFDA Director is primarily responsible for coordinating the U.S. government's response to foreign disasters. All requests for U.S. government assistance, including requests to the military, should be routed through OFDA.[58]

USAID/OFDA's response options include:[59]

- Deploying Regional Advisors. Regional Advisors are regional disaster management specialists with language skills, and are located in Latin America, the Caribbean, Africa and the Asia-Pacific region.

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[57] The Office of U.S. Foreign Disaster Assistance, *About OFDA* (visited Apr. 13, 2000) <http://www.info.usaid.gov/ofda/>.

[58] The Office of U.S. Foreign Disaster Assistance, *About OFDA* (visited Jul. 5, 2000) <http://www.info.usaid.gov/ofda/>.

[59] Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

- Deploying Assessment Teams. They assess the situation, define needs and priorities, and recommend specific U.S. Government response actions.
- Deploying a Disaster Assistance Response Team (DART). This is a rapid-response management team made up of disaster relief specialists. Its functions include assisting the U.S. Ambassador or Chief of Mission, identifying and prioritizing needs, reporting on the situation, recommending response actions, and coordinating with the affected country and other response organizations.
- Providing OFDA disaster relief commodities. These commodities include items such as blankets, tents, plastic sheeting, 5 and 3000-gallon water containers, and are located in four stockpile locations: Maryland, Honduras, Italy and Guam.
- Funding NGO/PVO/IO/UN directly or providing funds through the U.S. Embassy.
- Combinations of the above.

USAID/OFDA's mandate is to save lives, alleviate suffering, reduce the economic impact of disasters, and to support and design initiatives to reduce the likelihood and severity of disasters.[60]

USAID/OFDA became involved in Hurricane Mitch relief efforts early on. See *Appendix K-2: Hurricane Mitch U.S. Government Organizations Timeline* for a timeline of key USAID/OFDA response events. Nicaragua is an example. By Thursday 29 October 1998 (just after Mitch moved across Honduras), the USAID Mission to Nicaragua had started purchasing relief supplies for the Nicaraguan government: rain boots, blankets, raincoats, water containers, water purification chemicals, fuel, lumber, nails, tools. On Friday 30 October, the Public Law 480 Title II Program was converted from a Development Program to an Emergency Feeding Program for those in shelters whose homes were destroyed. USAID Nicaragua authorized three of the U.S. PVOs —Save the Children, ADRA and Project Concern— to start using the warehoused food to feed refugees. Food consisted primarily of corn-soy blend and vegetable oil. USAID's

[60] Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

focus for the first week of November was assisting with search and rescue, distributing relief supplies, and conducting damage assessments and needs analyses (human injuries and deaths, crop damage, infrastructure damage, food needs).[61]

USAID/OFDA had people on the ground in the affected nations before the first military augmentees lifted off from the U.S. By 2 November, the day before the first U.S. helicopters arrived in Managua, Nicaragua, USAID/OFDA had accomplished all the following:

- Deployed at least 14 Disaster Assistance Response Team (DART) members to Honduras, Nicaragua, Belize, Guatemala, and El Salvador.
- Provided $2,312,974 in relief aid to these countries:[62]
    - $1,726,650 to Honduras, *to include $750,000 for deployment of DoD (U.S. Army) helicopters*, $400,000 to local PVOs, and $200,000 to the USAID mission in Honduras;
    - $45,000 to Costa Rica through the U.S. Embassy;
    - $25,000 to Belize for the local purchase of food for distribution in shelters;
    - $360,000 to Nicaragua, *to include $250,000 for deployment of two U.S. Army Blackhawk and one Chinook helicopters;* and,
    - $82,152 to El Salvador in cash and relief supplies, $64,172 to Guatemala and more.

By 24 December 1998, USAID funding assistance in response to Hurricane Mitch totaled $28,850,730.[63] This included:

- Direct provision of relief supplies—food, blankets, rolls of plastic sheeting, raincoats, boots, water bladders, storage tanks and jugs,

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[61] Ms. Lynn Vega, USAID Nicaragua Mission, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[62] Office of Foreign Disaster Assistance, OFDA Reports Archive, *Central America – Hurricane Mitch Fact Sheets #1- #22* (visited Apr. 13, 2000) <http://www.info.usaid.gov/hum_response/ofda/archives.html >.

[63] Office of Foreign Disaster Assistance, OFDA Reports Archive, *Central America – Hurricane Mitch Fact Sheet #22* (Dec. 24, 1998) (visited Apr. 13, 2000) <http://www.info.usaid.gov/hum_response/ofda/archives.html >.

water purification chemicals, fuel, lumber, nails, tools, body bags, etc.

- Ambassador Assistance Authority for purchase and transport of relief supplies (done for immediate, critical response).
- Contracting of airlifts of relief commodities and rentals of local helicopters for aerial assessments.
- Funding of DoD overflight assessments, transport of relief items, and search and rescue activities ($5,000,000).
- Grants to PVOs for immediate purchase and distribution of relief supplies.
- Grants to the Pan American Health Organization (PAHO) for health, water and sanitation activities.
- Grants to the Honduran national water agency, SANAA (Servicio Autonomo Nacional de Acueductos y Alcantarillados) and la Coordinadora Nacional de Organizaciones Negras de Honduras urgirá al Fondo hondureño de Inversión Social (FHIS) for water system repairs.
- Funding to the Center for International Tropical Agriculture (CIAT) for seed multiplication in Nicaragua and Honduras.
- Funding to DoD for reconstruction activities, including the purchase of materials and supplies ($5,000,000).
- Grants to CARE for disaster relief projects.
- Grants to PVOs for transitional disaster relief projects.

5. Office of Humanitarian Assistance and Demining (HA/D), Defense Security Cooperation Agency (DSCA)

The Office of Humanitarian Assistance and Demining (HA/D) is assigned to the Defense Security and Cooperation Agency (DSCA). (See *Appendix B-2: Department of Defense Organizational Charts*.) HA/D is the principal coordinating office within the U.S. military for foreign disaster relief matters. (It supplanted the Office for Peacekeeping and Humanitarian Assistance.)[64]

[64] In April 1996, The Secretary of Defense announced the consolidation of the offices of peacekeeping and humanitarian and refugee affairs under the Deputy Assistant Secretary of Defense for Peacekeeping and Humanitarian Assistance. The consolidation was intended to better support the President's policies and direction in the DoD's dealing with foreign disaster relief and humanitarian relief activities, including emergencies, dealing with non-governmental organizations, excess defense property program, and the

DSCA functions include: management of the Overseas Humanitarian, Disaster, and Civic Aid appropriation; oversight of the geographical commanders in chief (CINC) operational demining, humanitarian and civic assistance (HCA) programs, and the DoD Humanitarian Assistance Program (HAP).

a. Humanitarian and Civic Assistance (HCA) Program

U.S. military forces are permitted to carry out humanitarian assistance projects and activities as part of training operations overseas. These deployments are an integral aspect of maintaining a forward U.S. military presence, ensuring operational readiness to respond to crises, and preparing the Reserve Components for their wartime missions. Humanitarian and Civic Assistance (HCA) activities are conducted in conjunction with authorized military operations and are authorized by 10 USC section 401. Such activities must promote the security interests of both the U.S. and the recipient countries, and enhance the specific operational skills of the members of the armed forces who participate.

The State Department must approve all HCA initiatives. Humanitarian and civic assistance may not be provided (directly or indirectly) to any individual, group, or organization engaged in military or paramilitary activity. Typical HCA projects include medical, dental, and veterinary care provided in rural areas, construction of rudimentary surface transport systems, well drilling and construction of basic sanitation facilities, rudimentary construction and repair of public facilities, and other medical and engineering projects. Congress appropriates specific funding to the military departments to support the HCA program. This is the foundation of the New Horizons Exercises, discussed above, and in Lessons Learned

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Department's program for space available transportation of humanitarian relief supplies. This office was initially under the Office of the Assistant Secretary of Defense for Strategy and Requirements, then later reflagged the Office for Humanitarian Assistance and Demining (HA/D) and placed under the Office of the Undersecretary of Defense (Policy). On March 13, 1998, the HA/D was reassigned to the Defense Security Cooperation Agency (DSCA). *See* Office of the Assistant Secretary of Defense, News Release No. 337-96, *Office of the Deputy Assistant Secretary of Defense for Peacekeeping and Humanitarian Assistance Established* (June 6, 1996); Office of Humanitarian Assistance and Demining (visited Apr. 13, 2000) <http://www.dsca.osd.mil/HA/hca_demine.htm>.

section *L. Reserve Component Contributions and Lessons Learned*. The Army allocates funds to EUCOM and SOUTHCOM, the Navy funds PACOM, and the Air Force funds CENTCOM.[65]

The Director, Defense Security Cooperation Agency (DSCA) is the DoD approval authority for all interagency HCA projects. DSCA/HA/D coordinates the process of interagency review and approval for annual HCA plans and 'out of cycle' requests submitted by the CINCs. The office is also responsible for monitoring the overall program to ensure that nominations comply fully with U.S. foreign policy and national security objectives, and relevant legislation, before formal approval is provided to the Combatant Commands. HA/D prepares the annual report to Congress required by 10 USC section 401.

b. Humanitarian Assistance Program (HAP)

HAP provides excess, non-lethal, property to authorized recipients, arranges DoD funded and Denton (Space Available) transportation for non-governmental organizations for delivery of humanitarian goods to countries in need, coordinates foreign disaster relief missions, and procures, manages, and arranges for delivery of Humanitarian Daily Rations (HDRs) to those in need. DoD humanitarian assistance (HA) activities were first authorized by Congress in 1986 to transport DoD excess non-lethal property and privately donated humanitarian assistance material to countries in need. In fiscal year (FY) 1996, DoD was permitted to fund a wider variety of HA activities, including using contracts and deployment of U.S. military personnel to conduct specific humanitarian projects. The program is authorized by 10 U.S.C. section 2551 and its projects are funded by the Overseas Humanitarian, Disaster and Civic Action (OHDACA) account. (See section *D. Fiscal Law* for a more detailed discussion of funding issues.) Projects include the refurbishment of medical facilities, construction of school buildings, digging of wells and improvement of sanitary facilities, and training of host country personnel in refugee repatriation operations and disaster relief planning. The involvement of the geographical commanders in chief (CINCs) has been key to the design and execution of the projects and the success of the program.[66]

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[65] Office of Humanitarian Assistance and Demining, *Humanitarian and Civic Assistance (HCA) Program* (visited April 14, 2000) <http://www.dsca.osd.mil/home/humanitarian_civic_assistance_program.htm>.

[66] Office of Humanitarian Assistance and Demining, *Humanitarian Assistance Program* (HAP) (visited April 14, 2000) <http://www.dsca.osd.mil/home/humanitarian_assistance_program.htm>.

DoD manages all programs funded by the OHDACA appropriation. DSCA responsibilities include advising the USDP in all program management and execution matters relating to overseas humanitarian assistance activities and foreign disaster relief issues.

All requests for U.S. *military* foreign disaster relief assistance should flow through HA/D. Upon receiving a request for assistance, this office coordinates the U.S. military response within the Office of the Secretary of Defense, with the unified combatant CINCs, the CJCS, and the military departments. HA/D is organized along CINC lines. See *Appendix B-4: Organizational Charts for Defense Security Cooperation Agency (DSCA) and Its Office of Humanitarian Assistance and Demining (HA/D).*

6. U.S. Department of Agriculture (USDA)

The U.S. Department of Agriculture (USDA) participated in the Hurricane Mitch relief effort through three food assistance programs. In some foreign disaster assistance mission, the Forest Service may play a role.

a. USDA Food Assistance[67]

USDA currently provides food aid abroad through three channels:[68] the Public Law 480 (PL 480) program, also known as the Food for Peace program; the Section 416(b) program; and the Food for Progress program.[69] The major authorities for grant and concessional credit food aid are the Agricultural Trade Development and Assistance Act of 1954 as amended (Public Law 480), the Food for Progress Act of 1985, and Section 416(b) of the Agricultural Act of 1949. Amendments to these authorities are contained in Title XV of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act).

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[67] *See* U.S. Department of Agriculture, Food Aid Programs (visited April 21, 2000) <http://www.fas.usda.gov/excredits/pl480/pl480ofst.html>.

[68] Commodities will not be made available unless there are adequate storage facilities in the recipient country and the distribution will not interfere with domestic production or marketing.

[69] U.S. Department of Agriculture, *Food Aid Programs* (visited April 21, 2000) <http://www.fas.usda.gov/food-aid.html>.

(1) The Food for Peace Program

The PL 480 food aid program is comprised of three titles.[70] Each title has different objectives and provides agricultural assistance to countries at different levels of economic development. Title I of the PL 480 program is administered by USDA and Titles II and III are administered by USAID. PL 480 programs are designed to combat hunger and malnutrition; promote broad-based equitable and sustainable development, including agricultural development; expand international trade; develop and expand export markets for United States agricultural commodities; and to foster and

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[70] **Title I** provides for government-to-government sales of agricultural commodities to developing countries under long-term credit arrangements. A developing country shall be considered eligible for PL 480 Title I if it has a shortage of foreign exchange earnings and has difficulty meeting all of its food needs through commercial channels. Repayments for agricultural commodities sold under this title may be made either in U.S. dollars or in local currencies on credit terms up to 30 years, with a grace period of up to seven years. Local currencies received under Title I sales agreements may be used in carrying out activities under section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended. Activities in the recipient country for which these local currencies may be used include developing new markets for U.S. agricultural commodities on a mutually beneficial basis, paying U.S. obligations, and supporting agricultural development or research.[70]

Title II provides for the donation of U.S. agricultural commodities by the U.S. government to meet humanitarian food needs in foreign countries. Commodities may be provided to meet emergency needs under government-to-government agreements, through public and private agencies, including intergovernmental organizations such as the World Food Program, and other multilateral organizations.[70] Non-emergency assistance may be provided through private voluntary organizations, cooperatives, and intergovernmental organizations. Commodities requested may be furnished from the Commodity Credit Corporation's (CCC's) inventory acquired under price support programs or purchased from private stocks. Note that with this program, the CCC finances the cost of ocean transportation to ports of entry, or to points of entry other than ports in the case of landlocked countries or when the use of a point of entry other than port would result in substantial savings in costs or time. The CCC may *also* pay transportation costs from designated ports of entry or points of entry abroad to storage and distribution sites, and associated storage and distribution costs for commodities, including pre-positioned commodities, made available to meet urgent or extraordinary relief requirements.

Title III provides for government-to-government grants to support long-term economic development in the least developed countries. To be eligible for donation of agricultural commodities under Title III, the country must meet poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference for providing financial assistance, or be determined to be a food deficit country by meeting all the indicators of national food deficit and malnutrition.[70] The U.S. Government will donate Title III agricultural commodities without charge to the recipient country and will arrange for and pay the costs of purchasing, processing, handling and transporting the commodities to the port or point of entry in the recipient country. The donated commodities are sold on the domestic market, and revenue generated from the sale in the recipient countries is used to support programs of economic development.

encourage the development of private enterprise and democratic participation in developing countries.[71]

(2) The Food for Progress (FFP) Program[72]

This program authorizes the Commodity Credit Corporation (CCC) to finance the sale and exportation of agricultural commodities on credit terms, or on a grant basis, to support developing countries and countries that are emerging democracies and have made commitments to introduce or expand free enterprise elements into their agricultural economies.[73] Commodities may be provided under the authority of PL 480, Title I, or Section 416(b). CCC funds can be used for both the procurement and shipment of commodities when CCC does not have surplus commodities in inventory. For commodities furnished on a grant basis, the CCC may pay, in addition to acquisition costs and ocean transportation, such related commodity and delivery charges.[74]

(3) Section 416(b)

This program provides for overseas donations of surplus commodities owned by the Commodity Credit Corporation (CCC) to carry out assistance programs in developing countries and friendly countries. Surplus commodities acquired by the CCC as a result of price support operations may be made available under section 416(b) if these surplus commodities cannot be sold or otherwise disposed of without disruption of price support programs or at competitive world prices. These donations are not permitted to reduce the amounts of commodities that traditionally are donated to domestic feeding programs or agencies, prevent the fulfillment of any

[71] No agricultural commodity shall be available if its disposition would reduce the domestic supply below domestic requirements and provide adequate carryover, unless the Secretary of Agriculture determines that some part of the supply should be used for urgent humanitarian purposes. Alcoholic beverages and tobacco products shall not be made available under PL 480.

[72] The Food for Progress program is limited by a global 500,000 metric ton legislative ceiling, and by a $30 million cap on non-commodity costs (primarily transportation) paid directly by CCC.

[73] Legislation was amended in 1992 to include the independent states of the former Soviet Union as eligible countries under this program.

[74] Cargo preference requirements require that at least 75 percent of all U.S. food aid tonnage be shipped on U.S.- flag vessels. This requirement applies to shipments under PL 480, Food for Progress and §416(b).

agreement entered into under a payment-in-kind program, or disrupt normal commercial sales.[75]

The USDA food assistance programs contributed significantly to the Hurricane Mitch relief effort. The Food for Peace Program $10 million in long-term concessional loans under PL 480 Title I to both El Salvador and Guatemala.[76] The Food for Progress (FFP) program distributed$10 million in commodities to Honduras and Nicaragua.[77] Section 416(b) programs provided 180,000 tons of corn and wheat at an approximate value of $27 million as follows: 60,000 tons of wheat each to Honduras and Nicaragua, 30, 000 tons of wheat each to El Salvador and Guatemala, and 50,000 tons of corn among the four nations. The initial donations were given to the Catholic Relief Services (a PVO discussed below) in Honduras and to the government in Nicaragua for direct distribution to people facing food shortages. Follow-on donations were to be sold and the proceeds used to undertake social development projects and rehabilitation of infrastructure, particularly secondary and tertiary roads in rural areas.[78]

USDA and the Forest Service (discussed below) were also involved in damage assessment, assisting rebuilding of rural areas and the infrastructure, implementing conservation practices, and improving food safety measures.

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[75] Eligible commodities include: dairy products, rice, feed grains and products, and oilseeds and other commodities acquired by the CCC through price support operations. Commodities may not be made available in amounts that will reduce amounts traditionally used for domestic feeding programs or will prevent fulfillment of a payment-in-kind program.

[76] Tom Amontree, *USDA Announces Details of Food Aid Package for Central America*, USDA Release No. 0491.98 (Nov. 24, 1998).

[77] Tom Amontree, *USDA Announces Details of Food Aid Package for Central America*, USDA Release No. 0491.98 (Nov. 24, 1998).

[78] Tom Amontree, *USDA Announces Wheat Donations to Honduras and Nicaragua*, USDA Release No. 0466.98 (Nov. 10, 1998); Tom Amontree, *USDA Announces Details of Food Aid Package for Central America*, USDA Release No. 0491.98 (Nov. 24, 1998); Wayne Baggett, *Glickman Announces Wheat and Corn Donations to Nicaragua*, USDA Release No. 0061.99 (Feb. 19, 1999).

(b) USDA Forest Service (FS) and Disaster Assistance Support Program (DASP)[79]

The Forest Service is a department of the USDA. The Forest Service's Disaster Assistance Support Program (DASP) is designed to provide emergency management technical support to USAID/OFDA. DASP is part of the Forest Service's Office of International Programs (OIP). DASP was formally established in 1985 as a collaborative relationship with OFDA. DASP provides disaster management and organizational methodology training for USAID, as well as the State Department; U.S. Public Health Service; Department of Defense; and local counties and municipalities

B. NON-GOVERNMENTAL, PRIVATE VOLUNTARY, AND INTERNATIONAL ORGANIZATIONS

A wide variety of organizations contributed to the relief effort following Hurricane Mitch. The impressive accomplishments of these organizations cannot be captured in this report. Three representative contributors are profiled here as examples. Judge advocates deployed in support of foreign disaster assistance operations should become familiar with the organizations operating in their area. For lessons learned in this regard, see *Section IV.B., Coordination Between Governmental, Non-Governmental, and Other Organizations.* A more detailed list of IOs, NGOs and PVOs is included at *Appendix B-6: International Organizations (IOs), Non-Governmental Organizations (NGOs), and Private Organizations (PVOs).*

1. CARE

CARE, or Coop American Relief Everywhere, started after World War II to offer relief to Europe. CARE works in seventy countries and has an annual budget of almost a half billion dollars. They concentrate on two types of programs, development and emergency. When a country becomes developed enough, CARE pulls out. CARE has country agreements with

[79] Information on the U.S. Forest Service and its International Programs was obtained directly from the United States Department of Agriculture, *International Programs* (visited April 18, 2000) <http://svinet2.fs.fed.us/global/about/dasp/aboutdasp.htm>.

every country in which they operate. For example, CARE has an agreement with the President of the Republic of Nicaragua through the Ministry of Foreign Affairs. These agreements address issues such as exemptions from taxes, fees, status of their personnel, etc., much like status of forces agreements.

CARE responded to Hurricane Mitch in El Salvador, Guatemala, Honduras and Nicaragua. CARE:[80]

- Distributed food (including rice, oil and beans), drinking water, medicine, mattresses, blankets, cooking articles (kerosene stoves, pots), and other emergency supplies;
- Aided in agricultural rehabilitation, including seeds and tools distribution (to meet the December-deadline for the short growing season, or *apante*), cleaning and repairing water sources, and repairing and rebuilding homes and structures; and,
- Repaired community infrastructures, to include cleaning and disinfecting wells, repairing gravity-fed wells, rebuilding latrines, distributing hygiene supplies (chlorine tablets, cleaning/washing supplies, plastic buckets), distributing tools and building supplies (plastic sheeting, wood, nails, corrugated roofing materials), and food-for-work programs to organize locals into effective labor forces.

2. Catholic Relief Services (CRS)

Catholic Relief Services (CRS) was founded in 1943 by the Catholic Bishops of the United States to assist the poor and disadvantaged outside the U.S.[81] CRS had been working in the countries affected by Hurricane Mitch for 35 years. Before and after Hurricane Mitch, the agency supported micro-enterprise development and sustainable agricultural techniques.

CRS's strategy in Central America in response to Hurricane Mitch included saving lives through distribution of food and medicine and sustaining livelihoods through the rehabilitation of agriculture and small businesses and the reconstruction of houses, bridges, roads, and water

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[80] *See CARE Nicaragua: An Overview* (March 1999) (copy on file with CLAMO).

[81] Catholic Relief Services, *Mission Statement* (visited Apr. 24, 2000) <http://www.catholicrelief.org/who/mission.cfm>.

systems. CRS led the emergency food distribution efforts for USDA's 416(b) program in Honduras. CRS reported over $10 million in donations by the U.S. public received as of December 1998 to support rehabilitation efforts in Central America.[82] 1999 figures reported private donations totaling more than $28 million.

3. Doctors Without Borders (Medecins Sans Frontieres)

Doctors Without Borders (Medecins Sans Frontieres) (MSF), founded in 1971 by a group of French Doctors,[83] was awarded the Nobel Peace Prize in December 1999.[84] MSF provides emergency medical aid to countries with insufficient or non-existent health care capabilities, builds and rehabilitates medical facilities, donates medicines, and is active in water and sanitation projects.[85]

MSF assisted the relief effort in Honduras, Nicaragua, El Salvador, and Guatemala. Programs focused on epidemiological surveys, sanitation and clean water, control of disease vectors, emergency shelter, and delivery of medicines and medical supplies.[86] MSF then initiated longer-term programs in these countries to address continuing needs.[87]

The organizations discussed are but a sampling of the agencies actively engaged in relief efforts following Hurricane Mitch. The discussion is intended only to familiarize judge advocates with the scope and variety of the programs involved. Other organizations active in this effort included UNICEF, the American Red Cross, the World Bank, and the World Health Organization. The need for enhanced interagency cooperation is discussed in the lesson learned section below.

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[82] Louise Wilmot, *Beyond Mitch* (Nov. 1998) (visited Apr. 24, 2000) <http://www.catholicrelief.org/emergency/beyond_mitch.cfm>

[83] "28 Years On: Milestones of a Humanitarian Movement," (visited July 20, 2000) <http://www.msf.org/msf/history.htm>

[84] "MSF and the 1999 Nobel Peace Prize," (visited July 20, 2000) <http://www.msf.org/events/1999/nobel/index.htm>

[85] "The MSF Role in Emergency Medical Aid," (visited July 30, 2000) <http://www.msf.org/msf/aboutus.htm>

[86] "Doctors Without Borders Response to the Mitch Disaster," (visited July 30, 2000) <http://www.doctorswithoutborders.org/reports/mitch.htm>

[87] Id.

IV. LESSONS LEARNED

> *A lesson is not a lesson learned until we modify the way we operate.*[88]
>
> Major General John D. Altenberg, Jr.
> The Assistant Judge Advocate General

A. INTRODUCTION TO LEGAL ISSUES

1. Legal issues confronted in a foreign disaster relief operation are widely varied but largely predictable.

In a foreign disaster relief operation, the legal issues faced by judge advocates span all core legal disciplines[89] and require legal support to operations in all three functional areas: command and control, sustainment, and personnel service support.[90] Examples of the types of issues faced include:

- Administrative Law: investigations (to include a Class A helicopter accident); ethics (foreign gifts to commanders); customs and U.S. Department of Agriculture issues; turnover of military property to host nations (medicine, food, pesticides).
- Civil Law:
  - Contract Issues: Contract review; real estate leases.
  - Fiscal Issues: transportation of NGO personnel and relief supplies; military construction; unauthorized commitments; plaques and coins; feeding host nation personnel; combined military training.
  - Environmental Issues: Disposal of chemicals and hazardous waste; handling of medical waste; vector control operations.

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[88] MG John D. Altenburg, Jr., The Assistant Judge Advocate General, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (transcript on file with CLAMO).

[89] The six *core legal disciplines* are: administrative law, civil law (including contract, fiscal, and environmental law), claims, international law, legal assistance, and military justice. DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS, p. 8 (1 Mar. 2000).

[90] Legal support to operations falls into these three *functional areas*. Issues within the six *core legal disciplines* may require legal support impacting any of the three functional areas depending on their nature. *See* DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS, p. 8 (1 Mar. 2000).

- Claims: Foreign Claims Commission orders; "solatia"-like payments; investigations; funding; personnel claims.
- Legal Assistance: legal assistance to widely dispersed troops; conflicts of interest; notarizing; Soldiers and Sailors Civil relief Act (SSCRA).
- Military Justice: Jurisdictional issues; general orders; Article 15 appeal authorities; withholding policies; TDS support.
- International Law: Status of Forces Agreements; negotiation of international agreements, such as Diplomatic Notes.

Past experience has shown that many of these issues are encountered in a variety of deployed settings. Thus, many of these issues are predictable and should be anticipated and properly planned for in a legal support plan. See section K.*2. Prepare a legal support plan for the operation.*

2. The type and quantity of legal issues will vary by phase (with time).

Operations change over time. The type and quantity of legal issues faced by JAs, as well as the quality of information available[91] will vary by phase. Accurately predicting the flow of legal issues allows the JA to better tailor legal support to the specific operation. Understanding the patterns of legal issues that developed during Hurricane Mitch relief efforts may help JAs to prepare for the next foreign disaster relief operation.

The general issues, by phase, during the hurricane Mitch relief effort were:[92]

- Predeployment or Plan and Prepare Phase: Significant activity occurred in the command and control and personnel service support functional areas. The primary focus was predeployment training and preparation of the troops: rules of engagement, human

[91] *See, e.g.*, Captain Adrian Henderson, JTF-BRAVO Command Judge Advocate as of Nov. 1998, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). See also CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN THE BALKANS, 1995-1998: LESSONS LEARNED FOR JUDGE ADVOCATES, pp. 53-55 (13 Nov. 1998), for a discussion of this issue as it arose in Bosnia.

[92] *See, e.g.*, Captain Adrian Henderson, JTF-BRAVO Command Judge Advocate as of Nov. 1998, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO); Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

rights, force protection and terrorism training, and Soldier Readiness Processing (SRPs) of wills, powers of attorney, and other legal needs.

- Emergency or Search and rescue and Immediate Relief Phase: Command and control issues dominated initially: authority to act; participating in the military decision making process, force protection and rules of engagement, and international law issues (status of forces agreements and exchange of diplomatic notes).
- Rehabilitation or Sustained Relief Phase: The focus of efforts was on food distribution, road and bridge repair, medical assistance, etc. Sustainment issues (fiscal and contract law, foreign claims) dominated, followed by command and control issues (force protection, general orders and command discipline), then personnel service support issues (legal assistance and routine military justice).
- Restoration Phase: The focus of efforts was on preventive medicine, food and supply distribution, ongoing repairs and construction, etc. Personnel service support issues (legal assistance and routine military justice matters) grew to dominate, followed by sustainment issues (still focused on fiscal and contract law issues, claims, and some environmental issues), then command and control issues (force protection).

Another important lesson learned about rapidly changing phases in an operation is that legal opinions can grow "stale" (become invalid or erroneous) with time. JAs must ensure legal opinions address each issue under the current facts and situation, and that commanders do not rely upon old or uniquely grounded opinions as a continued basis of authority.

3. Conduct "Legal Preparation of the Battlefield" (LPB) prior to deployment.

Predicting legal issues in an operation is important because doing so contributes directly to the JA's planning and decision-making process. Decisions must be made as to what personnel, resources, materiel and equipment are required to provide legal support throughout the phases of the operation and throughout the area of operations. A *legal support plan* must be devised which accommodates and supports each phase of the operation appropriately.

One method of predicting the legal issues is to read after action reports and lessons learned materials such as this book. Another, proactive method of predicting legal issues is to conduct *Legal Preparation of the Battlefield*, or *LPB*.[93] LPB is a methodology, or a planning tool, derived from the Intelligence community's Intelligence Preparation of the Battlefield, (IPB) to help the JA anticipate legal issues in operations. Simply put, the JA prepares a chart analyzing requirements from each core legal discipline for each phase of the operation. See *Appendix A: Legal Preparation of the Battlefield* for a full explanation of LPB and its terms.

Next the JA identifies those issues that are mission critical, and attempts to resolve them proactively. The JA practices preventive law where possible and identifies critical legal issues for the commander and staff. The resulting LPB product is then used to create a *legal support plan*. This plan determines the personnel, resources, materiel and equipment needed, as well as where they are needed, and when and how they will get there. The plan should account for vehicle and equipment loading deadlines and including legal personnel in the TPFDL (Time Phased Force Deployment List) so they arrive in theater at appropriate times.

[93] Legal Preparation of the Battlefield (LPB) is a concept developed by Major Geoffrey Corn of the International and Operational Law Department at the Judge Advocate General's School, Charlottesville, Virginia.

B. COORDINATION BETWEEN GOVERNMENTAL, NON-GOVERNMENTAL, AND OTHER ORGANIZATIONS

The most important lesson learned from the Hurricane Mitch relief operation was the need for better ***interagency and inter-organizational coordination***. More effective coordination should have occurred among all the involved parties: U.S. agencies and organizations, host nation governments, and international, non-governmental, and private organizations. JAs in the operation had little contact with non-DoD U.S. government agencies, such as USAID/OFDA, or NGOs/PVOs. Neither JAs nor commanders had a clear understanding of the manner in which GOs and NGOs/PVOs operated or how to work with them cooperatively.[94] This adversely affected unity of effort and economy of force throughout the mission.[95]

1. Judge advocates must identify agencies and NGOs/PVOs in the area of operations.

The first step in a future foreign disaster relief operation is to learn who the key players are and what they do. The JAs deployed in support of Hurricane Mitch relief operations reported that they did not know which organizations were working in their area or what those organizations were planning. Interaction between the U.S. military and external organizations was limited. The JA deployed in support of disaster relief operations must identify the organizations working nearby and determine their goals and capabilities.

As discussed above, USAID/OFDA, in concert with DoS and the Mil Groups, will have the U.S. lead in disaster relief operations. Other DoD organizations, such as Defense Security Cooperation Agency (DSCA), will play a significant role. Other GOs, such as USDA, will also be involved. USAID/OFDA will work closely with PVOs/NGOs, which are often the first

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[94] Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[95] *See, e.g.*, Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO); Mr. Yan Schollaert, Country Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

to respond and the last to leave. Many of these organizations have ongoing operations in nations throughout the world. They are often very familiar with the host nation government and other NGOs/PVOs in the area.

The USAID/OFDA representative and the Mil Group liaison are excellent sources of information concerning other organizations in the area. Identification of the GOs and NGOs/PVOs working in the area is the first step toward better interagency cooperation.

Deployed units should also assess the focus and abilities of the NGOs/PVOs working in the area. Most NGOs/PVOs are well organized and offer extensive programs. However, NGOs/PVOs vary in structure. They can be national or international. They will usually have a specific focus, such as development, medicine, or education. Their funding sources vary; their philosophy often reflects their focus and funding.

Commands should conduct an assessment of the NGOs/PVOs likely to be encountered in the area of operations in order to decide whether and how to coordinate with them. Assessment criteria could include the organization's vision, history, logistics capability and programs.[96]

2. Military units must foster closer working relationships with these agencies.

Once the agencies working in the area have been identified, lines of communication must be opened and liaison established. *Figure B-1*

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[96] Mr. Yan Schollaert, Country Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). The following criteria may prove useful in assessing NGOs/PVOs: *Vision*. What is the basis of the NGO/PVO vision or mission—religion, politics, philosophy? Specific backgrounds are not always bad. For example, Nicaragua is predominantly Catholic. As a result, CRS was extremely effective. Does the NGO/PVO solicit money and contribution in kind, or invite personal involvement and support? *History and references*. How long has the NGO/PVO existed? How do others (other organizations, USAID, the host nation government, local authorities) view it? What prior experience does it have with the military? *Logistics capacity and systems*. What are its internal and external capacities? What finance systems does it operate under? Can it account for where money is spent? Surge ability? *Programs*. What is their area of specialty or expertise? What past successful programs have they done? What relationships have they built with other organizations in the area, the host nation government, and communities in the field? *Commitment*. What has the NGO/PVO done in past emergencies? What is its future plans? What is the time frame of its focus?

illustrates the types of organizations participating in a foreign disaster relief operation and the coordination U.S. forces should make with them.

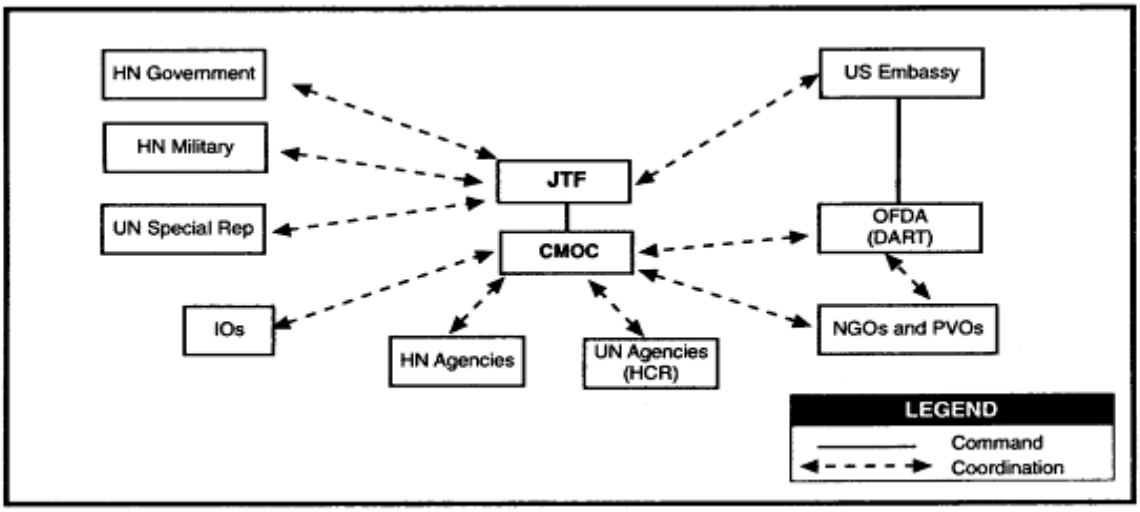

Figure B-1: JTF Coordination.[97]

At the tactical level, the joint task force commander's (CJTF) options for improved coordination include forming a Humanitarian Operations Center (HOC) and a Civil Military Operations Center (CMOC). A primary reference on military coordination with the participants in humanitarian relief operations is *Department of the Army Field Manual 100-23-1, HA Multiservice Procedures for Humanitarian Assistance Operations* (31 Oct. 1994), hereinafter FM 100-23-1.

a. Humanitarian Operations Centers (HOCs)

The CJTF can create a HOC to coordinate interagency operations. A HOC is usually collocated with the appropriate headquarters, such as the UN, conducting the operation. Because there was no international-level headquarters for the Hurricane Mitch relief effort, the U.S. HOCs were located near the subordinate Task Force Headquarters.

[97] DEP'T OF THE ARMY FIELD MANUAL 100-23-1, HA MULTISERVICE PROCEDURES FOR HUMANITARIAN ASSISTANCE OPERATIONS, Figure 4-3 (31 Oct. 1994).

In accordance with FM 100-23-1, HOC functions include:

- Developing an overall relief strategy.
- Identifying and prioritizing HA needs to the JTF.
- Identifying logistics requirements for NGOs, PVOs, and IOs.

The HOC does not command and control in the military sense, but attempts to build a consensus for mutual assistance and unity of effort. The HOC should consist of decision-makers from the JTF, UN agencies, the Department of State, USAID/OFDA, regional NGO and PVO representatives, other IOs, such as the ICRC, and host nation authorities.

A HOC or similar organizations is critical at the tactical level. During the Hurricane Mitch relief effort, coordination among disaster relief participants was insufficient at that level. The HOC promotes this type of coordination. HOCs did not perform to their potential in the Hurricane Mitch relief effort because they were formed as an afterthought. They should have been integrated into the concept of the operation from the beginning.

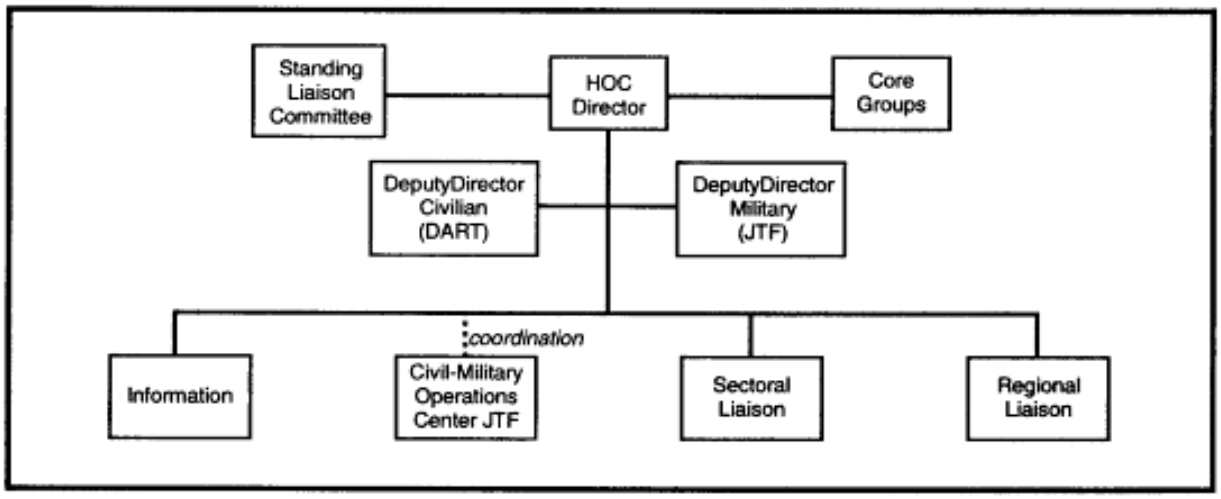

Figure B-2: Humanitarian Operations Center Organizations[98]

[98] DEP'T OF THE ARMY FIELD MANUAL 100-23-1, HA MULTISERVICE PROCEDURES FOR HUMANITARIAN ASSISTANCE OPERATIONS, Figure 4-4 (31 Oct. 1994).

At the end of November 1998, U.S. Army Civil Affairs personnel led by LTC Velez and the USAID Representative in Nicaragua, Ms. Lynn Vega, started hosting meetings in the USAID office. They invited any NGOs/PVOs who wanted to attend. The purpose of these meetings was to explain what the military could and could not do and to process NGO and PVO requests for assistance. Eventually, this forum became the Humanitarian Operations Center (HOC) in San Pedro. The HOC included the Task Force Nicaragua commander and members of his staff.[99]

Eventually, HOCs were also established in El Salvador and Guatemala. In Guatemala, the HOC was made up of Aviation Task Force personnel, Civil Affairs personnel, USAID, and the Guatemalan equivalent of the U.S. FEMA.

HOCs are usually chaired by the international organization in charge of the relief effort (often the United Nations representative). Because there was no international lead during the Hurricane Mitch relief effort, HOCs were formed later in the relief effort. This late start limited their effectiveness.

b. The Civil Military Operations Center (CMOC)

The HOCs were also less successful than desired because they lacked an implementing arm. The JTF attempted to combine the coordination and consensus building functions of the HOC with the implementing functions of the CMOC. This attempt failed, resulting in duplication of effort and the issuance of conflicting guidance.[100] A CMOC is designed to turn the HOC-built consensus into action. Under FM 100-23-1, the CJTF can form a CMOC at the tactical level as the action team to carry out the guidance and decisions of the HOC. The CMOC serves as the military's presence at the

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[99] LTC Al Velez, Chief, Civil Affairs Branch, Office of the Deputy Chief of Staff, Civil Military Operations, U.S. Army South, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO); Ms. Lynn Vega, USAID Nicaragua Mission, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[100] Doctor (Colonel) Martinez-Lopez reported that, from the medical community perspective, there were coordination problems, conflicts, and duplication of effort because of the HOC's existence. He said, however, that if a HOC is created, it is essential to have legal support in the HOC. COL and DR Lester Martinez-Lopez, Address at Joint Urban operations Conference, Bolling Air Force Base, Washington, DC (Apr. 14, 1999).

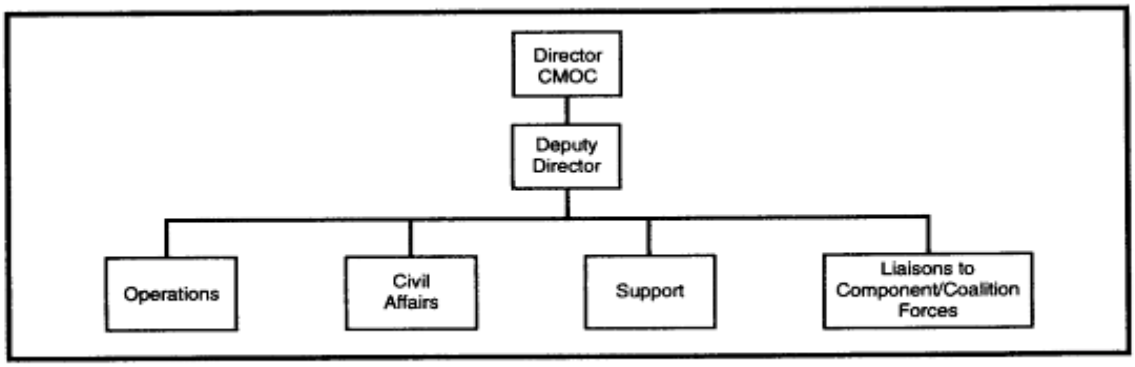

Figure B-3: CMOC Organization[101]

HOC, as well as the military liaison to the community of relief organizations. Normally, the CMOC director is also the HOC's military deputy director. *Figure B-3*, above, shows the organization of a CMOC.

The CMOC, in coordination with USAID/OFDA, receives, validates, and coordinates requests from NGOs, PVOs, and IOs. The CMOC supports NGOs, PVOs, and IOs by responding to validated logistical and security support requirements. During CMOC meetings (usually daily), the CMOC identifies JTF components that are capable of fulfilling the requests to support the NGOs, PVOs, and IOs.[102] Validated requests go to the JTF operations cell and then to the component or coalition force liaison officer (LNO) for action. The HOCs established during the Hurricane Mitch relief effort were unable to perform many of the CMOC functions.[103] Use of CMOCs would have improved interagency cooperation during the operation.

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[101] DEP'T OF THE ARMY FIELD MANUAL 100-23-1, HA MULTISERVICE PROCEDURES FOR HUMANITARIAN ASSISTANCE OPERATIONS, Figure 4-5 (31 Oct. 1994).

[102] DEP'T OF THE ARMY FIELD MANUAL 100-23-1, HA MULTISERVICE PROCEDURES FOR HUMANITARIAN ASSISTANCE OPERATIONS, Chapter 4 (31 Oct. 1994).

[103] DEP'T OF THE ARMY FIELD MANUAL 100-23-1, HA MULTISERVICE PROCEDURES FOR HUMANITARIAN ASSISTANCE OPERATIONS, Chapter 4 (31 Oct. 1994). CMOC functions include the following: Validate the support request in the absence of the OFDA DART representative; coordinate military requests for military support with various military components and NGOs/PVOs; convene and host *ad hoc* mission planning groups involving complicated military support, numerous military units, and numerous NGOs/PVOs; promulgate and explain JTF policies to NGOs/PVOs; provide information on JTF operations and general security operations; serve as a focal point for weapons policies; administer and issue NGO and PVO identification cards; validate NGO, PVO, UN, and ICRC personnel required for JTF aircraft tarmac space, space availability (seats on military aircraft), and access-related issues; coordinate medical requirements; chair port, rail, and airfield committee meetings for space and access-related issues; maintain 24-hour

c. Don't forget to include International Organizations.

The response to Hurricane Mitch quickly grew into a multinational effort by governments, governmental organizations, non-governmental organizations, and private organizations. While USAID/OFDA has the lead for U.S. participation, a UN organization, such as the UN Office for the Coordination of Humanitarian Affairs (OCHA), may have the lead internationally. FM 100-23-1 proposes bringing the UN into the HOC:

> The HOC normally has a UN director and deputy directors from the JTF and OFDA DART. Within the HOC the policy making body is the standing liaison committee, which is comprised of UN, JTF, OFDA DART, and NGO and PVO representatives. HOC core groups and committees meet to discuss and resolve issues related to topics such as medical support, agriculture, water, health, and education.[104]

While the UN did not establish an international headquarters for this operation, such a headquarters must be included in interagency coordination mechanisms when one is established.

d. Use tactical coordination mechanisms: Civil Affairs (CA).

The Civil Affairs (CA) personnel were critical to the success of Hurricane Mitch. "The CA folks saved us", according to Major Dale N. Johnson, CJA, JTF-Aguila[105]. CA's role includes developing working relationships with the host nation (e.g., with the Ministries of Defense, Health, and transportation and Infrastructure), community leaders, local police and authorities, local businesses, and host nation military (to promote security, base operations and logistical support).[106]

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operations; maintain contact with regional and sector CMOCs; support CA teams, as required; facilitate creation and organization of a food logistics system for food relief efforts.

[104] DEP'T OF THE ARMY FIELD MANUAL 100-23-1, HA MULTISERVICE PROCEDURES FOR HUMANITARIAN ASSISTANCE OPERATIONS, Ch. 4 (31 Oct. 1994).

[105] Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[106] LTC Al Velez, Chief, Civil Affairs Branch, Office of the Deputy Chief of Staff, Civil Military Operations, U.S. Army South, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

During disaster relief deployments, JAs should work closely with CA teams. For example, in Nicaragua, JA Captain Scott Walters and two CA representatives visited every town where there would be significant military presence. They spoke to the Mayors or Mayors' Representatives and the police chiefs, and invited them to contact the JA if issues connected to the military presence arose. In this way they were able to establish communications and avert misunderstandings.[107] CA also assisted JAs in claims intakes and investigations. CA teams are an excellent source of information for, and link to, NGOs/PVOs as well.

One key to the Civil Affairs' teams' success was their participation in the HOC. Civil Affairs soldiers from both from U.S. Army South in Panama and the 350th Civil Affairs Command (U.S. Army Reserve) deployed in mid and late November 1998. These soldiers established the JTF Aguila level Humanitarian Operations Center (HOC) under the leadership of Colonel Robert Scharling, Civil Affairs advisor for USARSO. The JTF Aguila HOC served as the coordinating center for both internal actions involving Task Force base and life support operations, as well as initial project assessments.

The initial CA soldiers were quickly followed by more active duty soldiers from the 96th Civil Affairs Battalion, Fort Bragg, North Carolina, and in early December, by Colonel Douglas Monroe, also from the 350th CA Command, who would serve as the CA Chief for Operation Fuerte Apoyo.[108]

CA coordinated media coverage and acted as the liaison between the foreign government and the U.S. troops. The CA teams are extremely knowledgeable about the host nation's cultural sensitivities. "In our country, an action or a phrase might mean one thing, but to the people of Guatemala it might mean something altogether different. It is imperative that we don't have even one incident that might cause concern among the people…"[109]

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[107] Captain Scott Walters, Task Force Nicaragua Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[108] Captain Timothy M. Gilhool, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (Feb. 1999) (on file with CLAMO).

[109] SSG Tim Barnes, 361st Press Camp Headquarters, *Behind the Scenes* (Apr. 26, 1999) <http://www.ussouthcom.com/soughcom/newhorizons/articles/behindthescenes.html,>.

Other keys to CA's success were outstanding linguistic skills and pre-existing relationships from previous deployments to the region.

One of the best examples of CA interagency coordination was the construction of a medical facility in the village of Wiwili in Nicaragua. Located north of Managua in the mountains, Wiwili's main and secondary roads and its medical clinic had been destroyed by floodwaters and mud slides. All supplies had to be brought in by helicopter. Over the course of two months, CA personnel assisted the Engineers and Medical personnel from TF Nicaragua in building two 40' by 100' structures, complete with plumbing and electricity. USAID donated medical equipment and supplies. The U.S. Embassy coordinated directly with the host nation and a CA representative attended weekly working group meetings at the embassy. Extensive coordination between CA, the U.S. Embassy, USAID, relief agencies working in the local area, and the host nation government made this project a success. The President of the United States and President Alamen of Nicaragua visited this site to highlight the success achieved through U.S. interagency and host nation cooperation.[110]

3. GOs, NGOs, PVOs and IOs can be a great resource for the U.S. military.

NGOs/PVOs are diverse, independent, flexible and willing to operate in high-risk areas. One JA who deployed in support of the Hurricane Mitch relief effort stated that Doctors Without Borders was more situationally aware, mobile throughout the area, and self-sustainable than many military units. GOs, NGOs/PVOs, and IOs can be a great resource for the U.S. military.

a. Interagency coordination enhances our situational awareness.

(1) Damage Assessments

During foreign disaster relief missions, USAID/OFDA will often have people on the ground in the affected area before the DoD. During major disaster responses, USAID/OFDA may dispatch a Disaster Assistance

[110] Captain Timothy M. Gilhool, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

Response Team (DART). One of the first missions of the DART is to conduct an *assessment* of the affected areas, the damage, and the needs of the host nations and their people.[111] The USAID/OFDA team will also work closely with NGOs/PVOs, which conduct their own damage assessments.

This ability to quickly assess the situation and allocate resources is essential in the early stages of a disaster relief operation. Insufficient coordination during the Hurricane Mitch relief effort resulted in inefficient, repetitive, and incomplete assessments. Thus it would pay for the JA and other staff members to make contact with USAID/OFDA and the NGOs/PVOs in the area to gather critical information, increase situational awareness, and ensure unity of effort.

Each assessment or survey should be designed to build upon previous surveys and expand the information base.[112] Assessments should guide the military's concept of the operation and allocation of resources—manpower, equipment and supplies. However, the allocation of resources by other U.S. agencies and organizations, IOs, and NGOs/PVOs must be coordinated to achieve economy of force and unity of effort.

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[111] According to USAID/OFDA's *Field Operations Guide*, the purpose of an initial assessment is to provide USAID/OFDA with information and recommendations to make timely decisions on the U.S. Government disaster response. Initial assessments: identify the impact a disaster has had on a society, and the ability of that society to cope; identify the most vulnerable populations, especially women and children that need to be targeted for assistance; identify the most urgent food and nonfood requirements and potential methods of providing them in the most effective manner; identify the level of response by the affected country and its internal capacities to cope with the situation, including those of the affected population; identify the priorities of the affected population and their preferred strategies for meeting those priorities; identify the level of response from other donor countries, UN relief organizations (UN), private voluntary organizations (PVOs), non-governmental organizations (NGOs), and international organizations (IOs); make recommendations to OFDA/W and to USAID/Embassy (if there) that define and prioritize the actions and resources needed for immediate response (recommendations should include possibilities for facilitating and expediting recovery and development); identify which types of in-depth assessments should be undertaken; highlight special concerns that would not immediately be evident to FDA/Washington or non-emergency persons; initial assessments should also provide baseline data as a reference for further monitoring. Monitoring systems should be identified so that relief officials will be able to determine whether a situation is improving or deteriorating. The systems must also be able to provide a means of measuring the effectiveness of relief activities. This guide is a "must read" for JAs deploying in support of foreign disaster relief operations. It is available for the general public from the Government Printing Office (ISBN 0-16-049721-3), or online at <http://www.info.usaid.gov/hum_response/ofda/fog/> (also on file with CLAMO).

[112] This guide is a "must read" for JAs deploying in support of foreign disaster relief operations. It is available for the general public from the Government Printing Office (ISBN 0-16-049721-3), or online at <http://www.info.usaid.gov/hum_response/ofda/fog/> (also on file with CLAMO).

During the Hurricane Mitch relief efforts, coordination was insufficient. On some occasions, U.S. forces arrived in a town thought to be in dire need of assistance only to find other relief organizations or agencies had already responded.[113] After Hurricane Mitch, multiple agencies and organizations were conducting assessments without coordination.[114] Assessments by OFDA and DoD were inadequate.[115] These could have been augmented by NGO and PVO assessments.

> SOUTHCOM deployed assessment teams to begin determining requirements for a disaster relief task force. Other governmental agencies also conducted assessments. The assessment teams did not join efforts or share information. The JTF did not receive relevant information from many assessment teams in the JOA, such as the World Health Organization and the Pan American Health Organization, as well as information from the U.S. Army's Center for Health Promotion and Preventive Medicine. In addition, numerous teams conducting similar assessments led to mismatched expectations between host nation agencies and the task force actually executing the disaster relief mission.[116]

The lesson learned is clear. In a disaster relief operation where the focus is saving lives and resources are scarce, every participating agency and organization must adhere to the principles of *unity of effort* and *economy of force*. This means the U.S. military must work closely with other key U.S. governmental organizations and agencies and with the IOs and NGOs/PVOs in the area of operations. In this operation, the U.S. military failed in large part to capitalize on this already existing wealth of knowledge and expertise.

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[113] Some times this was an incident of the town or village trying to get all they could in outside support. Usually there was no bad intent and the wasted efforts were due to a lack of interagency and inter-organization coordination.

[114] JOINT TASK FORCE AQUILA JOINT AFTER ACTION REVIEW, Observation #1 (Assessments): Multiple agencies conducting assessments (1999) (on file with CLAMO).

[115] *See* Memorandum from COL Gary L. Herrington, Civil Affairs officer, U.S. Army Peacekeeping Institute, Carlisle Barracks, Pennsylvania, to Director, U.S. Army Peacekeeping Institute, subject: Trip Report of Hurricanes Georges and Mitch After Action Reviews (AARs) (16 Mar. 1999) (copy on file with CLAMO).

[116] JOINT TASK FORCE AQUILA JOINT AFTER ACTION REVIEW, Observation #1 (Assessments): Multiple agencies conducting assessments (1999) (on file with CLAMO).

(2) Local information

NGOs/PVOs, like CARE, often have established relationships with the host nation, and can be a great source of information about the area of operations, including specific legal information on topics such as leases, taxes, contacts and contracts. [117] NGOs/PVOs often establish working agreements with the host nation, which are similar to Status of Forces Agreements. See section *IV.C. International Law*.

One deployed JA stated that "JTF-A attorneys would have done well to have POCs with major agencies such as USAID or OFDA prior to deploying."[118] The USAID Representative at the U.S. Embassy, Managua, Ms. Lynn Vega, had been in country for eight years when Hurricane Mitch struck. She knew local representatives and knew how to work within the local system.[119] One of the OFDA DART team members[120] was Nicaraguan and had a sister who was the head of the Nicaraguan Red Cross. These contacts could prove invaluable to JAs.

The U.S. military, however, must be cautious not to give the wrong impression. NGOs/PVOs should be viewed as a source of *information*, not *intelligence*. NGOs/PVOs do not want to tarnish their neutral image or risk damaging their working relationship with the host nation, local government and local populace. The U.S. military must work with NGOs/PVOs, share and coordinate assets and abilities, and exchange information while keeping in mind the neutral position of most NGOs/PVOs.

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[117] Mr. Yan Schollaert, Country Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[118] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 Jan. 1999) (on file with CLAMO).

[119] Ms. Lynn Vega, USAID Nicaragua Mission, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[120] Mr. Ricardo Bermudis.

b. Funding and support.

USAID/OFDA often requests DoD assistance for specific activities that fall within the USAID/OFDA mandate of saving lives and alleviating suffering. The use of Army O&M funds for humanitarian assistance operations is restricted. See section *IV.D. Fiscal Issues*. When USAID/OFDA requests DoD assistance for specific activities, the request is generally on a reimbursable basis. Such requests are made in advance, through appropriate channels, and should have a pre-established maximum funding limitation. During and after Hurricane Mitch, USAID/OFDA established two fund citations for DoD activities: transport of relief supplies and road/bridge construction and engineering activities. These accounts funded portions of the U.S. military response. See section *III.D.10. Fiscal Issues of Other Agencies,* subsection *a. USAID/OFDA.*

The U.S. military often participates in disaster relief operations solely as a USAID/OFDA partner. Because USAID/OFDA funds significant portions of the military involvement, the two organizations must work closely together.

Another example of support was the issue of health care. During redeployment, JTF-ES sought Level III health care from the host nation, if needed, while the field hospital was drawn down. JTF-Aquila attorneys contacted MILGROUP personnel and learned that the memorandum of understanding between the host nation military hospital and the permanent party U.S. military also covered JTF personnel.[121]

4. NGOs and PVOs often have a different focus, time frame and culture than the military.

> *If you give someone a fish you feed him for a day. If you teach someone to fish you feed him for a lifetime.*[122]

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[121] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

[122] Chinese Proverb. Also attributed to Kwan-Tzu as "If you give a man a fish he will have a single meal. If you teach him how to fish he will eat all his life." See QuoteWorld.Org.

In working with IOs and NGOs/PVOs, military personnel must recognize that these organizations have a focus and time frame different from the military's. Many NGOs/PVOs focus on the long term and sustainability. NGOs/PVOs are in the nations they help for the long haul, and many were there prior to the military. The U.S. military is called to help in foreign disaster relief only when the situation is beyond the response capability of the host nation, PVOs and NGOs and U.S. government agencies that normally respond (i.e., USAID/OFDA).

The military is used for its surge capability and is in and out, focused on the short-term. CARE's Programming Principles, for example, (detailed at *Appendix B-6: International Organizations (IOs), Non-Governmental Organizations (NGOs), and Private Organizations (PVOs))* show that its focus is on making people and governments self-sustaining. These are long term goals compared to the shorter-term goals of the U.S. military in disaster relief operations. Some differences between NGOs/PVOs and the military are reflected in *Figure B-4***.**

Figure B-4: Differences Between NGOs and PVOs and the Military.[123]

A disaster's damage potential is the product of risk times vulnerability. Reducing vulnerability is one of the aims of many NGOs, like CARE. For example, among other projects, CARE planted trees to prevent future mudslides.[124] As a result, the organizations have a different operational tempo. While many NGOs/PVOs respond immediately to disasters, some NGOs/PVOs and local governments work at a slower pace and respond differently than the U.S. military. One lesson learned is that each organization must learn and respect the focus, abilities and constraints of the other.

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[123] U.S. Army Peacekeeping Institute, NGOs & IOs Page: Civil Military Operations Center (CMOC) Brief (visited Apr. 24, 2000) <http://carlisle-www.army.mil/usacsl/divisions/pki/ngo/cmoc/sld001.htm>.

[124] Mr. Yan Schollaert, Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

You can destroy as much or more by giving away everything free, as you can by giving nothing at all.[125]

Governmental Organizations and NGOs/PVOs with a long-term presence better appreciate the potential negative impacts of some actions. For example, a sudden, massive influx of certain types of relief supplies may put local merchants out of business.[126] The military can benefit from NGOs/PVOs' understanding of local conditions and relief impacts.

Another example of the need for the military to learn from the long-term focus of NGOs/PVOs is the standard of medical care provided. Dr. Lester Martinez-Lopez said we cause problems when we go into a country and render high U.S. standards of care, then pull out and drop the level of care back to what it was before. He proposed that we render a standard of care compatible with local practice. Dr. Martinez-Lopez recommends that the military establish medical rules of practice: Tell the soldiers whom they may treat, where they may provide treatment and what standard of care they may provide. For example, a boy was run over by a non-U.S. vehicle. He was brought to U.S. forces for care and evacuated to a civilian hospital in Miami. This decision was expensive, and provided care in one isolated case at a level far above local standards. The evacuation also raised related fiscal issues. There was no pre-approved funding source for the $500,000 hospital bill.[127]

Conversely, NGOs/PVOs must respect the military's focus and limitations. U.S. forces are not intended to serve as dedicated logistical support for other organizations. A lesson learned for JAs and their commanders is to carefully review NGO/PVO requests. While most organizations made very reasonable requests for assistance that complimented the U.S. relief effort, a few NGOs/PVOs made unreasonable requests. One small charity organization doing disaster relief in Honduras

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[125] Mr. Yan Schollaert, Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[126] *See* Mr. Peter D. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operations' Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[127] COL and DR Lester Martinez-Lopez, Address at Joint Urban operations Conference, Bolling Air Force Base, Washington, DC (Apr. 14, 1999).

aggressively sought military assistance in moving shipments of goods transported under the Denton amendment.[128] U.S. forces had to review these requests cautiously to avoid allocating limited logistical resources to the detriment of our own missions. (For more on the fiscal constraints on handling Denton Amendment goods, see section *D. Fiscal Law*).

5. Interagency coordination is required through redeployment.

Interagency coordination at lower levels must continue through all deployment stages. Redeployment may trigger unanticipated coordination requirements. Agricultural inspections of units redeploying to the U.S. must be coordinated with USDA in detail and well in advance.

JTF Aguila began coordination with USDA approximately six weeks before agricultural inspectors were required in country for redeployment inspections. Although the USDA was aware of the dates and requirements for inspectors, due to holidays and unclear funding guidance orders for the inspectors were not finalized until two days before the JTF required the inspectors. This did not give the inspectors time to get passports, visas and airline tickets to begin inspections on the required dates.

Although the JTF provided specific dates for the inspectors to come based on work completion and ship arrival schedules, the inspectors did not arrive on those dates. For example, the inspector arrived in Nicaragua two weeks prior to the ship loading dates, while the inspector for El Salvador arrived after the first ship had already begun loading. Inspectors did not remain in country throughout redeployment operations. Instead, inspectors stayed for short periods of time then returned home, requiring the JTF to coordinate for additional inspectors at the last minute.[129]

JAs must anticipate these requirements. Redeployment can be delayed due to a failure to coordinate.

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[128] Email Message from LTC D. McCallum, U.S. Army South, to Captain Daniel P. Saumur, Joint Task Force Bravo, Honduras, subject: fwd: RE: JTF-BRAVO SITREP (12 Nov. 1998 6:34AM) (on file with CLAMO); email message from Captain Daniel P. Saumur, Joint Task Force Bravo, Honduras, to Antonio J. Vazquez, subject: Legal Matter (12 Nov. 1998 time unknown) (on file with CLAMO).

[129] JOINT TASK FORCE AQUILA JOINT AFTER ACTION REVIEW, Observation #7 (Deployment/Redeployment): Coordination of United States Agriculture Inspector (1999) (on file with CLAMO).

6. Interagency coordination is improving.

Despite insufficient interagency and inter-organization coordination during the Hurricane Mitch relief effort, organizations are taking steps to improve integration in the future. The U.S. military, other U.S. governmental organizations, and NGOs/PVOs have recognized the need for enhanced cooperation. These efforts should be encouraged and continued.

a. SOUTHCOM's Efforts to Better Coordinate

In 1998, U.S. Southern Command (SOUTHCOM) assumed responsibility for the Caribbean area from Atlantic Command. SOUTHCOM proactively began establishing contacts with Caribbean countries such as Barbados, Jamaica, and Trinidad. The SOUTHCOM Surgeon's Office is working with the Pan American Health Organization (PAHO) to enhance the SOUTHCOM-PAHO liaison efforts during training and operations. SOUTHCOM is coordinating with the Caribbean Disaster Emergency Response Agency (CDERA) to establish four regional disaster supplies warehouses (Antigua, Barbados, Jamaica, and Trinidad) under SOUTCOM's Humanitarian Assistance Program.

In addition, the $11 million Central America disaster mitigation program approved by President Clinton gave SOUTHCOM and USAID/OFDA incentive to improve coordination. Both organizations focused on: (1) Enhancing information sharing; (2) Assessing national and regional disaster preparedness and response capacity; (3) Evaluating local military capacities to respond to disasters; and (4) Providing training in disaster management and response. The SOUTHCOM Director of Logistics took the lead in strengthening SOUTHCOM's partnership with the Center for Disaster Management and Humanitarian Assistance, Florida Volunteer Corps for the Caribbean-Latin America (FAVA-CA), and the Center for Coordinating the Prevention of Natural Disasters in Central America (CEPRDENAC).[130]

[130] LTC Jeffrey F. Addicott, Deputy Staff Judge Advocate, U.S. Army Southern Command, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

b. OFDA's Efforts to Better Coordinate

USAID/OFDA proactively sought DoD coordination in many matters during the relief effort, including USAID/OFDA-funded airlift operations, the use of Soto Cano Air Base as a relief operations hub, USAID/OFDA funded construction and engineering activities, and the use of the USAID/OFDA stockpile in Panama. Prior to the arrival of Mitch, USAID/OFDA provided approximately $250,000 to SOUTHCOM for search and rescue operations, emergency evacuation, and transport of supplies. During initial landfall, OFDA positioned an additional $750,000 for rotary and fixed wing operations (aerial assessment, search and rescue, emergency evacuation, and supplies transport).[131] During operations, USAID/OFDA had liaison with Soto Cano Air Base, the MILGRP in Tegucigalpa, the MILGRP and aviation units in Managua and San Salvador, and SOUTHCOM at San Jose and Miami.

7. One proposal for enhanced coordination: Use PDD 56.

Presidential Decision Directive (PDD) 56, *Managing Complex Contingencies*, was intended to improve interagency coordination, based on lessons learned during previous U.S. involvement in contingency operations. Although the National Security Council (NSC) did conduct agency coordination meetings, the U.S. did not directly apply PDD 56 in its response to Hurricane Mitch.[132] (The unclassified *White House White Paper* summarizing the classified PDD is at *Appendix B-5: Presidential Decision Directive (PDD) 56: Managing Complex Contingency Operations*.)

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[131] Mr. Peter D.R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[132] *See* Memorandum from COL Gary L. Herrington, Civil Affairs officer, U.S. Army Peacekeeping Institute, Carlisle Barracks, Pennsylvania, to Director, U.S. Army Peacekeeping Institute, subject: Trip report of Hurricanes Georges and Mitch After Action Reviews (AARs) (16 Mar. 1999) (copy on file with CLAMO). *See also* Rowan Scarborough, *Study Hits White House on Peacekeeping Missions*, WASHINGTON TIMES, Dec. 6, 1999, at A1.

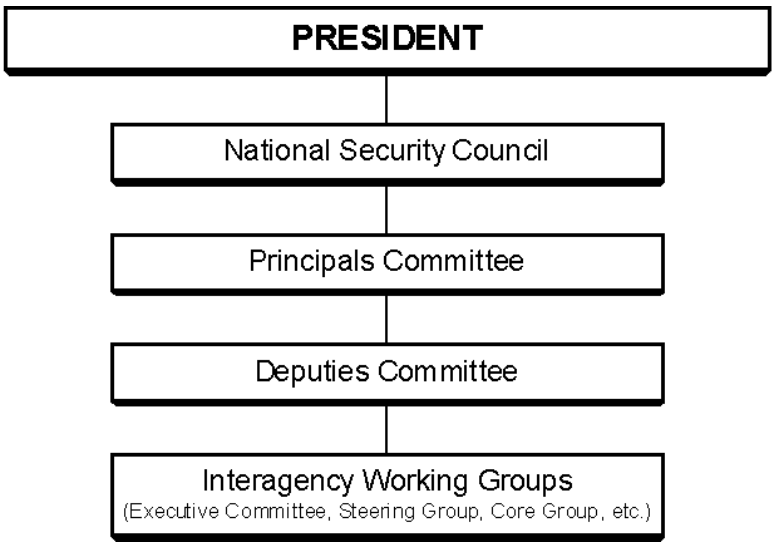

Figure B-5, PDD 56 Structure.

The decision to implement PDD 56 will always be made at the highest levels. However, even if PDD 56 is not followed, certain of its underlying principles could be applied at lower levels and warrant consideration. By its own words, "The PDD is designed to ensure that the lessons learned—including proven planning processes and implementation mechanisms—will be incorporated into the interagency process on a regular basis."[133] PDD 56 could be used as a framework for contingency planning for future foreign disaster relief operations that are regional in scope. PDD 56 calls for a *Deputies Committee* (a committee of the Deputy Secretary of Defense, the Deputy Secretary of State, etc.) to establish interagency working groups to assist in policy development, planning and execution of complex contingency operations. The Deputies Committee is to form an *Executive Committee (ExCom*) to supervise the day-to-day management of U.S. participation. In addition, the *chair of the ExCom* is to designate an agency to lead a *legal and fiscal advisory sub-group*, whose role is to consult with the ExCom to ensure that tasks assigned by the ExCom can be performed by the assigned agencies within legal and fiscal constraints.

PDD 56 also calls for a *political-military implementation plan ("pol-mil plan"*) to articulate an integrated, interagency concept of operations and

[133] White House White Paper on Presidential Decision Directive 56, The Clinton Administration's Policy on Managing Complex Contingency Operations (May 1997) < http://www.fas.org/irp/offdocs/pdd56.htm>.

to include a comprehensive situation assessment, mission statement, agency objectives, and desired end state. The plan should outline an integrated concept of operations to synchronize agency efforts, identify the primary preparatory issues and tasks for conducting the operation, and address major functional/mission area tasks. The end result is centralized planning and decentralized execution. PDD 56 also envisions interagency rehearsals based on the pol-mil plans, interagency AARs, and interagency training.

Unfortunately, during the Hurricane Mitch relief effort, decentralized execution occurred, but without the interagency-level centralized planning. Even if high-level, interagency coordination and planning envisioned by PDD 56 proves impossible due to bureaucratic boundaries, the interagency working group concept could be applied at a lower level. In hindsight, executing PDD 56 during Hurricane Mitch relief efforts -type framework might have prevented the necessity of relearning a key lesson captured in the text of the unclassified PDD release:

> While agencies of government have developed independent capacities to respond to complex emergencies, military and civilian agencies should operate in a synchronized manner through effective interagency management and the use of special mechanisms to coordinate agency efforts. Integrated planning and effective management of agency operations early on in an operation can avoid delays, reduce pressure on the military to expand its involvement in unplanned ways, and create unity of effort within an operation that is essential for success of the mission.[134]

The third diagram at *Appendix B-1: U.S. Military Involvement Process for Disaster relief Operations*, depicts the *PDD 56* process for managing complex contingency operations, which can include foreign disaster relief operations.

Many of the problems PDD 56 was designed to avoid occurred after Mitch: delays,[135] pressures on the military to expand its involvement in

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[134] White House White Paper on Presidential Decision Directive 56, The Clinton Administration's Policy on Managing Complex Contingency Operations (May 1997) < http://www.fas.org/irp/offdocs/pdd56.htm>.

[135] For example, it took four days of phone calls and coordination between USAID Mission Nicaragua (Ms. Lynn Vega), the Defense Attaché' Officer (DAO) at the U.S. Embassy, the U.S. Ambassador (Lino Gutierrez), and General Wilhelm to get the first U.S. helicopters into Nicaragua. While this was due in part

unplanned ways,[136] failure to expand involvement where desirable,[137] and a lack of unity of effort.[138]

Unified commands could adopt a process similar to that prescribed by PDD 56 for regional planning or crisis management. The *Handbook for Management of Complex Contingencies* is a useful reference.[139] The National Defense University (NDU) developed a *U.S. Interagency Complex Contingency Operations Planning Decision Support System (PDSS)*, which is available from NDU.[140] The computerized system is designed to assist interagency planning,

> with special focus on identifying lead entities for each phase and in each operational area. This focus is important to address the fluid nature of situations that require interagency responses. Each situation might call for an entirely different organizational

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to political reluctance on the part of the Nicaraguan government, it was also attributable to less than desirable interagency communication. Ms. Lynn Vega, USAID Nicaragua Mission, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[136] See discussions elsewhere in this text addressing issues such as requests for medical care in non-affected regions of the host nations, requests for construction of non-relief-related facilities, and requests for improper use of air transportation.

[137] For example, additional military personnel should have been sent early to Nicaragua to coordinate air movement. Unlike the other affected countries, there was no MILGRP in Nicaragua. Only two of the six Defense Attaché' Office (DAO) slots at the U.S. Embassy were filled, and there was no Air Mobility Command (AMC) station manager at the Managua airport. Planes arrived at all hours, often with little or no notice. Air coordination fell solely on the two DAO personnel, a civilian and a sergeant. They were required to coordinate airport duties for all helicopter and military flights until JTF Build Hope arrived the last week of November. They processed 179 helicopter sorties moving 763,200 pounds of food and relief supplies and the receipt of 126 military aircraft. This meant they were unavailable in the DAO at the Embassy to handle other important, incoming issues.

[138] For example, agencies and organizations conducted overlapping assessments and failed to share information. As a result, each agency and organization operated off an incomplete picture of the situation. For example, CINCSOUTH did not deploy a HAST. Rather than allocating one of the first helicopters sent to the disaster area to conduct assessments so that a plan of response could be developed, they were immediately assigned transport duties. In addition, two separate operations were set up for coordinating Denton Amendment relief supplies flights. The DAO at the U.S. Embassy was responsible for coordinating and receiving all Denton flights in Nicaragua. However, OFDA also set up a Denton Operations Center with the intent to expedite the program. Applications were being received and approved by two different agencies—DoD and OFDA. Ms. Lynn Vega, USAID Nicaragua Mission, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[139] The Handbook is available at http://www.pdd56.com/handbook_alt.htm.

[140] The PDSS is described at http://www.pdd56.com/handbook_docs/appendix_F.htm.

structure from the previous. This differs from the deliberate planning process employed by the U.S. military in which lines of command remain fairly consistent from one contingency situation to another within any given regional command arena.[141]

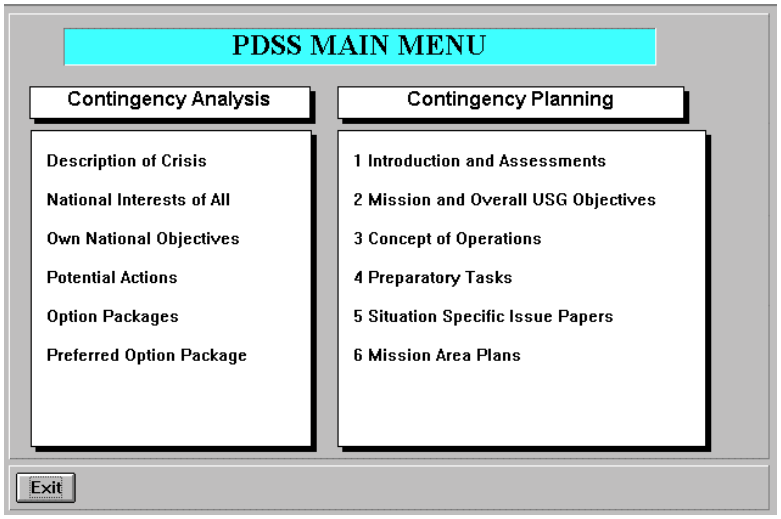

Figure B-6, PDSS Contents

[141] Id.

C. INTERNATIONAL LAW

1. Is there a Status of Forces Agreement?

Status of Forces Agreements (SOFAs)[142] answer a multitude of legal questions that arise during a deployment. Issues such as criminal jurisdiction, customs, immigration, taxes, claims procedures, and even the carrying of weapons are normally addressed in a SOFA. Acquisition and Cross Servicing Agreements (ACSAs) provide a simplified means of acquiring or transferring supplies and services to the armed forces or government of another country with which the U.S. has an ACSA.[143] The Unified Command responsible for the AOR where you are deploying will be able to provide information regarding SOFAs/ACSAs in effect.

When U.S. Forces deployed for Hurricane Mitch, the only country with which the U.S. had a SOFA was Honduras. See *Appendix C-4* for a copy of the Honduran SOFA. The CJCS issued a message containing a format for the exchange of diplomatic notes on the status of U.S. personnel. See *Appendix C-2*. A Diplomatic Note (DIPNOTE) was negotiated with Nicaragua regarding the legal status of U.S. Forces participating in disaster relief operations. See *Appendix C-1* for a copy of the Nicaraguan DIPNOTES. SOFA negotiations were conducted with Guatemala,[144] but a SOFA agreement was never reached. JAs must be prepared to practice law without a SOFA.

JAs must also realize that every SOFA is unique. Each SOFA must be analyzed to determine its specific provisions before advising commanders on the status of U.S. forces. This was especially important for Hurricane Mitch operations because the area of responsibility (AOR) covered four countries and the U.S. had agreements with three of these countries. As an example, the Honduran SOFA provided for "shared" criminal jurisdiction, whereby either Honduras or the U.S. would have criminal jurisdiction over an U.S. service member depending on the nature of the crime and the

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[142] As used in this section, the term "SOFA" also includes "Exchange of Notes" and "Diplomatic Notes."

[143] ACSAs will not be discussed in this book because the U.S. did not have ACSAs with any of the countries we were assisting or who were participating in relief operations. However, JAs need to be aware that ACSAs may be applicable in future disaster relief operations.

[144] The U.S. did have a Mutual Assistance Agreement with Guatemala, but this did not address the status of U.S. forces for a disaster relief operation. See Appendix C-3.

nationality of the victim. The Nicaraguan DIPNOTES provided exclusive criminal jurisdiction to the U.S. for all offense committed by U.S. forces.[145] Additionally, the Foreign Claims Act usually does not apply to foreign countries in which there is a SOFA that addresses claims.[146] If a SOFA addresses claims, the claims provisions are usually covered in a separate article of the SOFA.[147]

Similar variations may occur in the areas of customs, entry/exit requirements, landing fees, and force protection. JAs must ensure they clarify the relevant provisions of each SOFA before advising commanders and others on the status of U.S. forces. The Unified Command SJA will be able to answer SOFA-related questions of JAs deployed in their AOR.

2. Non-governmental organizations (NGOs) and Private Voluntary Organizations (PVOs) may have their own agreements with the host nation.

JAs should be aware that several NGOs and PVOs have country agreements with many of the countries in which they operate. Organizations with a long-standing relationship to a country or region, such as CARE or Doctors without Borders, have negotiated these agreements to better facilitate their operations. These agreements are similar to a SOFA in that they address the payment of fees and taxes, customs and immigration requirements, and the "status" of members of the NGO/PVO in country. These agreements only apply to members of the NGO or PVO, not to U.S. Forces operating in that country. These agreements may become relevant to U.S. forces when NGO/PVO relief supplies are shipped through airfields administered by the U.S.

3. Know the rules regarding the negotiation of international agreements.

JAs must be conscious of the rules regarding the negotiation and conclusion of international agreements. When entering countries where the U.S. does not have a SOFA, JAs may be asked to advise on, or participate in

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[145] U.S. forces in Nicaragua were given a status equal to that given to the administrative and technical staff of U.S. embassies; this status is often referred to as "A & T" status.

[146] *See* 10 USC § 2734a (this provision is commonly referred to as the International Agreement Claims Act).

[147] *See* NATO SOFA, Article XVIII, for an example.

the negotiation of, agreements to facilitate the conduct of operations. Agreements regarding transportation, the purchase of goods and the procurement of services are common. These agreements could be considered "international agreements" and if so, trigger a multitude of requirements before negotiations can begin.

The primary reference for DoD personnel involved in international agreements is *Department of Defense Directive 5530.3, International Agreements*.[148] This directive defines what an international agreement is, who the approval authorities are for the various types of international agreements, and the requirements for obtaining approval to negotiate and conclude an international agreement. The bottom line is no DoD personnel may negotiate or conclude an international agreement without the prior written permission of the appropriate approval authority. Approval authority for certain types of international agreements has been delegated to the Chairman, Joint Chiefs of Staff, who has further delegated this authority to the Unified Commanders.[149] All questions regarding the negotiation and conclusion of international agreements should be directed to the Unified Command SJA of that AOR.

4. Know the host nation governments, their organization and their agenda.

The central player in foreign disaster relief operations is the government of the affected nation. Working with host nation governments and understanding the intricacies of both international and local politics requires the sensitivity and dexterity expected of judge advocates. Even in times of need, governments have an agenda, an agenda that might impact the mission or conflict with U.S. military means and methods. Nonetheless, we must work with these officials in ministering to the needs of their nation and people, and learn their ways of operating.

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[148] JAs should also consult CHAIRMAN, JOINT CHIEFS OF STAFF INSTRUCTION 2300.01, INTERNATIONAL AGREEMENTS (15 Sep. 1994 with Change 1, 19 Aug. 1996), which provides additional instructions and implementing guidance to DoD personnel involved with international agreements.

[149] *See* CJCSI 2300.01, CHAIRMAN, JOINT CHIEFS OF STAFF INSTRUCTION 2300.01, INTERNATIONAL AGREEMENTS (15 Sep. 1994 with Change 1, 19 Aug. 1996).

a. Understand host nation objectives.

The experience of U.S. military doctors participating in the relief efforts serves as a good example of the interaction of the military relief mission with host nation government and politics. One doctor observed that host nation goals may vary and may not be limited to the actual health care delivered. In El Salvador, they had problems with timely delivery of Class VIII (medical) supplies for medical humanitarian assistance missions. The Ministry of Health asked the military medical personnel to perform the missions and they would make up the Class VIII shortages. When planning the last two missions, one each in San Miguel and Usultan, the Ministry of Health requested that U.S. doctors spend three full days in each location. They stated that the area was dominated by the opposition party, who would feel slighted if anyone desiring care did not receive it. Thus the government attempted to use American delivered medical care for political gain. In Guatemala, the host nation wanted the U.S. military to conduct medical missions in the north, well away from any Hurricane Mitch damage. In the end, the CINCSO's intent was made clear through the MILGROUP commander, and medical missions were limited to the southern coast, which had been affected by Hurricane Mitch.[150]

Host nations naturally and understandably sought U.S. assistance in many areas. However, many requests were outside the scope of the mission and beyond fiscal and other restraints. For example requests were made for basketball courts, reviewing stands, fences and more.[151] There was a problem with localities falsely claiming no relief had made it to them in an effort to get more. When one such claim was investigated, it was found that CARE, the Ministry of Health, and the World Food Program had already tended to the area.[152]

It is also important to be familiar with the internal workings of the host nation government. For example, Nicaragua distinguishes between a

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[150] JOINT TASK FORCE AQUILA JOINT AFTER ACTION REVIEW, Observation #23 (Medical): Host Nation Government Goals (1999) (on file with CLAMO).

[151] Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[152] Ms. Lynn Vega, USAID Nicaragua Mission, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

state of emergency and a state of disaster. For Hurricane Mitch, the government declared a state of emergency, which grants broader powers to the Army, such as the authority to requisition private property.

b. Anticipate host nation issues.

Judge advocates should be involved in issues of international law, politics and diplomacy. But JAs must know their boundaries, the proper role of the State Department and the embassy or mission, and recognize that they as JAs are *not* instruments of policy. Nonetheless, deployed attorneys need to exercise diplomatic skills with host nation military and civilian personnel. Diplomacy is often best coordinated with Civil Affairs. The paragraphs below reflect the observations and lessons learned recorded by then First Lieutenant Mark Hannig in this arena.[153]

(1) Diplomatic Notes, Agreements and Status of Forces

JTF Aguila (JTF-A) attorneys worked with host nation personnel at several points throughout the operations. At the outset of the deployment, the United States had not negotiated a diplomatic note or a SOFA with Nicaragua. The Nicaraguan government sought disaster relief and humanitarian assistance from the United States through a series of oral and written correspondences. When the first attorney arrived in the joint area of operations, negotiations were underway. Negotiators called upon the JAG Corps for help. Captain Tiernan Dolan *assisted* those who were negotiating the final diplomatic note. A similar situation occurred in Guatemala. Mere correspondence had invited U.S. personnel into the country, with the protection of a Mutual Assistance Agreement signed in 1955. On 20 January 1999, U.S. Embassy personnel were still negotiating the terms of JTF-A operations with Guatemalan officials. JTF-A personnel had completely redeployed from Guatemala by 25 January 1999.

An additional host nation concern in the diplomatic notes and agreements is force protection. (See also Section *E. Force Protection*.) Generally, our Status of Forces Agreements (SOFAs) with host nations include provisions which state that U.S. soldiers are allowed to carry

[153] *See* Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

weapons for their own protection. Based on concerns by the Nicaraguan government over the possible perception of such language, that provision was deleted from the Nicaragua SOFA. It was tacitly understood that soldiers could carry weapons since it was not prohibited, but would carry them discretely.

(2) Host Nation Military and Bases

JTF-A attorneys also worked with host nation military officials concerning JTF bases. In the cases of Comalapa, El Salvador and Base Felipe Cruz, Guatemala, Task Force El Salvador (TF-ES) personnel outnumbered the permanent party population of the host nation installations. TF-ES vehicles, aircraft and other assets also outnumbered the assets of the HN installation. Despite our superior numbers, the JTF-A commanders remained sensitive to the needs and desires of our hosts. This required negotiations and constant communication. Civil Affairs personnel served as the primary liaison with the commanders of the HN military installation. However, from time to time, JTF-A attorneys helped in negotiations. Two examples include, land-use agreements in El Salvador and pre-positioning of materials and equipment by JTF-A personnel for the follow-on New Horizons projects in Guatemala. See section *G. Administrative Law.*

(3) Diplomatic Clearances

After standing up a JTF within multiple sovereign countries, coordinating diplomatic clearances across each of the countries was a great challenge. Each of the countries has various processing times to approve the clearance (4 hours for El Salvador, 8 hours for Nicaragua, and 24 hours for Guatemala and Honduras). Of course, the schedules of those commanders and others often change on short notice. Other aircraft missions (MEDEVAC and airlift) also get modified on short notice outside the normal processing window. The JA should work with the G3 Air to determine diplomatic clearance requirements for each country. When possible, we should coordinate blanket diplomatic clearances across the joint area of operations to facilitate greater flexibility. [154]

[154] JOINT TASK FORCE AQUILA JOINT AFTER ACTION REVIEW, Observation #9 (Operations): Diplomatic Clearance within JOA (Air) (1999) (on file with CLAMO).

(4) Local Citizen Concerns

Many parts of Central America operate under a system of departments/prefectures. Each has a civilian government and a military commander. These two individuals generally control the economic development in their jurisdictions. People who live in their jurisdictions can seek assistance and recourse from them. One host nation civilian, a claimant, repeatedly petitioned the host nation base commander, who was the department military commander. The status of the claim concerned the commander, who had a duty to look after the welfare of citizens living in his department. The claims commission adjudicated the claim and paid the claimant. However, JTF-A attorneys were compelled to diplomacy and to ensure the commander that we would compensate his citizens who had been harmed by U.S. negligence.

(5) Local Law

In order to adjudicate particular claims, JTF-A attorneys sought the legal advice of a host nation attorney in San Jose, Guatemala. With the help of Civil Affairs, they were referred to an attorney by the commander of the host nation military base. Calling upon this local attorney allowed the JTF-A to successfully adjudicate the claims using host nation law and custom.

The lessons learned in this area are best summarized in the words of a young Judge Advocate who was there, First Lieutenant Mark Hannig:

> Although not their primary mission, deployed attorneys may have opportunity to exercise diplomacy with host nation military and civilian personnel. This is an opportunity to learn about local customs and build relationships. Attorneys must be careful to operate within their authority. Deployed attorneys should seek guidance from Civil Affairs personnel regarding local customs and traditions while interacting with host nation personnel. They should also seek to educate themselves about the local law, culture and society so that they may more effectively execute their legal duties. Prior to deployment and during deployment, attorneys should make every effort to

interact with the local community. This interaction will enrich their advice to commanders.[155]

[155] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

D. FISCAL LAW

> *The most important thing in buying real estate is location, location, location, and the three most important things in dealing with legal issues associated with disasters [are] funding, funding, funding.*
>
> *LTC Jeff Addicott*[156]

The Hurricane Mitch relief effort was a three phased operation. Each phase presented unique fiscal law questions, and required a variety of funding mechanisms. The first JAs on the ground realized that funding issues would be complex.[157] For this mission, there were several types of special purpose funding available. JAs and commanders were confronted with at least five separate funding authorities. USARSO held the funds, and allocated them to the JTFs. Sorting out the permissible uses of each type of funding proved challenging. This section reviews the dominant lessons learned in the fiscal law arena.

1. Deployed judge advocates must have or develop expertise in fiscal law and contract law.

One of the most significant lessons from previous deployments is the need for procurement and fiscal law expertise in peace operations.[158] Fiscal law and procurement law issues were both pervasive and time-consuming in operations in Haiti and the Balkans.[159] The same was true for the foreign disaster relief operations in Central America.

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[156] Lieutenant Colonel Jeffrey Addicott, Deputy Staff Judge Advocate, U.S. Army Southern Command, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (23-24 April 1999) (Power Point slides on file with CLAMO).

[157] Email from Captain Daniel P. Samur, JTF Bravo, to Colonel Daniel McCallum, USARSO (Nov. 11, 1998) (copy on file with CLAMO).

[158] *See* CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN THE BALKANS, 1995-1998: LESSONS LEARNED FOR JUDGE ADVOCATES, at 142 (13 Nov. 1998); *see also* CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN HAITI, 1994-1995: LESSONS LEARNED FOR JUDGE ADVOCATES, at 138 (11 Dec. 1995).

[159] See CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN HAITI, 1994-1995: LESSONS LEARNED FOR JUDGE ADVOCATES (11 Dec. 1995) and CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN THE BALKANS, 1995-1998: LESSONS LEARNED FOR JUDGE ADVOCATES (13 Nov. 1998).

A fundamental principle of fiscal law is that the obligation and expenditure of appropriated funds are subject to stringent purpose, time, and amount controls.[160] In foreign disaster relief operations, as in most deployments, the purpose requirement can become a pitfall for well meaning commanders and staff. In the Hurricane Mitch relief operations, attorneys routinely received inquiries concerning the propriety of various expenditures. Questions arose concerning the use of these funds for base construction projects; morale, welfare and recreation; awards, including unit coins and certificates of achievement; gifts to foreign dignitaries; and post-disaster transportation of humanitarian assistance supplies provided by non-governmental organizations. These issues are discussed below.

Five separate funding sources were available during the operation. Attorneys must understand each category of funding available to the deployed headquarters and the applicable restrictions on each funding source. They must closely monitor expenditures, in conjunction with the comptroller and contracting officer. The JTF appointed a J-8, the resource manager.[161] The J-8 became a major player for this mission.

One JA summarized the issues this way: "Where's the money? Who has the money? What kind of money is it? What law applies?"[162] USARSO held the money for the operation, and passed it to the JTFs. Each JTF had a JA, who encountered similar issues. The possibility of inconsistent advice among the JTFs was present, but did not materialize. The importance of communication between the several JTF JAs and between the JTF JAs and USARSO cannot be overstated.

Operational law attorneys must be trained in the fiscal law applicable to contingency, humanitarian, and disaster relief missions. They must have access to applicable statutory and regulatory guidance, in either electronic or paper format. The fiscal law discussion in the Operational Law Handbook provides an excellent summary of each type of funding. However, JAs deploying to relief operations should supplement this information with the

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[160] *See* 10 U.S.C. §§ 1301, 1341, and 1502(a) (addressing purpose, amount and time, respectively).

[161] Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 145.

[162] Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 142.

Fiscal Law Deskbook and key source materials, many of which are contained on the Center's *Deployed Judge Advocate Resource Library* on CD-ROM.

When possible, deploying attorneys should identify fund sources, and the legal guidance pertaining to each, prior to deployment. Attorneys without fiscal law backgrounds should identify a point of contact for consultation on such issues prior to and during deployment.

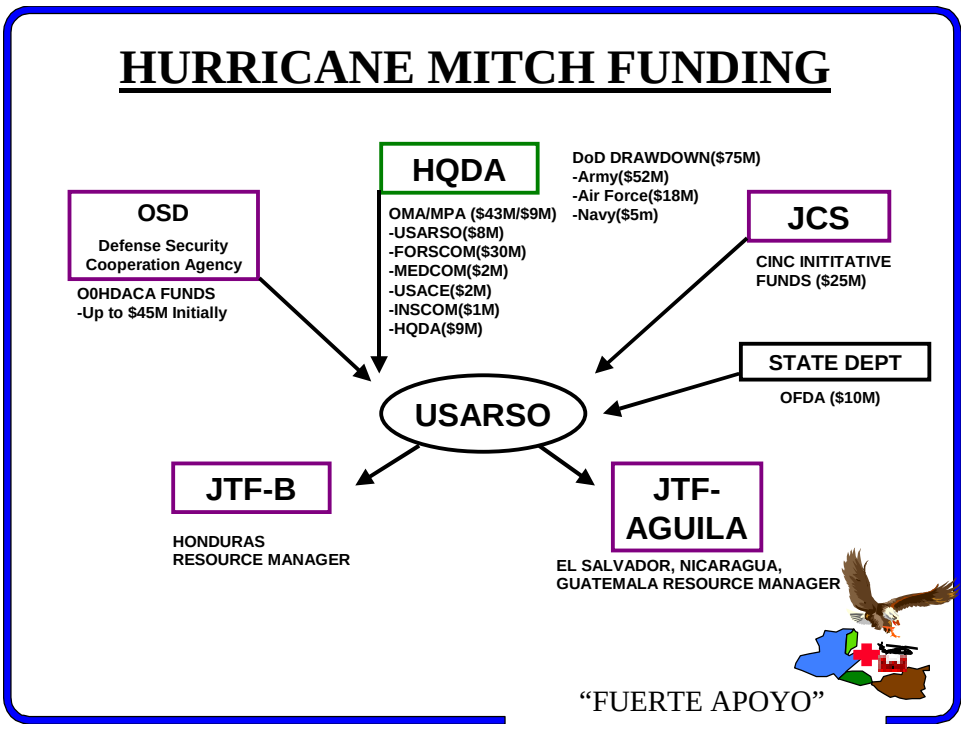

Figure D-1, Operation Fuerte Apoyo Funding Streams

2. Judge advocates will contend with multiple sources of funding during foreign disaster assistance operations.

Immediately following the disaster, the President approved $75 million in drawdown authority "to save lives and assist in reestablishing basic infrastructure…."[163] The drawdown authority allowed DoD to use existing resources (both articles and services) in the relief effort. According

[163] Report to Congress, U.S. General Accounting Office (GAO), at 5 (Mar. 29, 1999).

to the General Accounting Office (GAO), DoD spent approximately $223 million on these efforts. To initially fund Phases I and II (the emergency and rehabilitation phases), DoD used:

- $75 million in drawdown authority,
- $50 million in Overseas Humanitarian, Disaster and Civic Action (OHDACA) funds,
- $20 million in CINC Initiative Funds (CIFs), and
- $10 million transferred from Office of Foreign Disaster Assistance.[164]

These funds were later replenished through specific appropriations. According to GAO, these funding sources were used as follows:

- Drawdown was used primarily as authority to fund TDY costs and to deploy and redeploy personnel and materiel.
- OHDACA and CIF money funded rotary and fixed wing aircraft missions to distribute food and water; purchase of construction materials and supplies for 67 engineering projects; operation of temporary base camps for 5,000 troops; purchase of medical supplies; establishment of temporary medical clinics; and re-supply of military personnel already in Central America.
- OFDA money funded Phase I flying hours, construction materials for roads, bridges, schools, and clinics, and the purchase of two commercial bridges for Honduras.[165]

OFDA spent one third of its annual budget in the first six weeks of the Mitch response. The disaster also required that previously allocated OHDACA funds be reallocated, temporarily halting U.S. demining efforts throughout the world.[166]

In May, 1999, Congress approved an Emergency Supplemental Appropriations bill, totaling $956 million in aid for Central America and the Caribbean, in response to Hurricanes Mitch and Georges. This bill included

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[164] Report to Congress, U.S. General Accounting Office (GAO), at 4 (Mar. 29, 1999).

[165] Report to Congress, U.S. General Accounting Office (GAO), at 6 (Mar. 29, 1999).

[166] Memorandum, Colonel Gary L. Herrington, US Army Peacekeeping Institute, subject: Trip Report of Hurricanes Georges and Mitch After-Action Reviews (AARs) (16 Mar. 1999.

$62.3 million to fund Phase III, the Expanded New Horizons program. The bill also included $158.6 million to replenish DoD and USAID accounts for the emergency phase of the relief effort.

a. Generic Operation and Maintenance (O&M) Funds

The "Purpose Statute," 31 U.S.C § 1301(a), restricts the use of appropriated funds. "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."[167] This provision is not new. In 1898, the Comptroller General demonstrated the stringency of the requirement. "It is difficult to see how a legislative prohibition could be expressed in stronger terms. The law is plain, and any disbursing officer disregards it at his peril."[168] However, application of this law to the use of O&M funds in contingency operations, particularly in disaster relief operations, is not so clear, even to the most well trained JA.

Application of the Purpose Statute generally prohibits the transfer of military goods and services for humanitarian purposes. Several regulatory and statutory authorities provide relief from this constraint for disaster assistance. There is an immediate response exception for foreign disasters.

> Nothing in this Directive should be construed as preventing a military commander at the immediate scene of a foreign disaster from undertaking prompt relief operations when time is of the essence and when humanitarian considerations make it advisable to do so. The commander should report at once the action taken and request guidance in accordance with the provisions of this Directive.[169]

This provision empowers commanders to use O&M funds to respond promptly to emergencies involving imminent loss of life before appropriate funding (usually OHDACA) becomes available. Commanders are instructed to record these expenditures for possible reimbursement. However, commanders should realize that reimbursement might not occur, and budget

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[167] 31 U.S.C. § 1301(a) (Originally enacted Mar. 3, 1809, 2 Stat. 535).

[168] 4 Comp. Dec. 569, 570 (1898).

[169] U.S. DEP'T OF DEFENSE, DIR. 5100.46, FOREIGN DISASTER RELIEF (4 Dec. 1975) (at Appendix D-24).

shortfalls could result. Use of O&M funds for this purpose must stop when alternative funding is allocated, or when an operation moves beyond the immediate response stage.[170]

This authority was used during the first week of November, before OSD approved the use of OHDACA funds and before the President authorized the response through statutory mechanisms such as the drawdown authority, which are discussed below. JTF-BRAVO sought to distribute blankets and MREs, valued at over $15,000 to disaster victims. OFDA had approved military flight hours, but OFDA personnel were not yet in country to approve the distribution of supplies. The SOUTHCOM SJA determined that the need "was so imperative," that the supplies should be distributed.[171] Distribution was appropriate under DoD Directive 5100.46.

Drawdown and excess property exemptions, when applicable, also provide relief from the Purpose Statute constraints. These exemptions are discussed in section *c. Foreign Disaster Relief Operations Funded From Already Paid for Supplies, Equipment and Services*, below.

b. Some of the operations will be funded by a specifically approved appropriation.

(1) Overseas Humanitarian, Disaster and Civic Aid (OHDACA) Funds

Overseas Humanitarian, Disaster and Civic Aid (OHDACA) funds are a specific appropriation. OHDACA includes programs under 10 U.S.C. §§ 401 (limited to demining), 402, 404, 2547, and 2551. Congress appropriates approximately $50 million per year to OHDACA. The funds are good for two years, and are managed by DSCA. The Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict) establishes policy for their use. Generally, when OHDACA funds are allocated for a foreign disaster assistance mission, they are used for all costs of the mission.

On November 19, 1998, the Secretary of Defense placed a moratorium on the obligation of OHDACA funds, and recalled all

[170] A general "rule of thumb" is that the immediate response stage would not exceed 72 hours.

[171] Memorandum for Record, Captain Daniel P. Saumur, subject: Disaster Relief Funding (2 Nov. 1998) (on file with CLAMO).

unobligated OHDACA funding from the various CINCs in order to dedicate them to the Hurricane Mitch relief effort.[172] "Senior DOD Leadership understands that this will adversely effect all CINC Humanitarian Assistance and Demining programs worldwide."[173] The reservation of OHDACA funds for Mitch was essential for filling the funding gap until a supplemental appropriation could be made. The funds were later reimbursed.

(a) Humanitarian and Civic Assistance (HCA) – 10 U.S.C. § 401 (see *Appendix D-9*)

HCA includes: medical, dental, and veterinary care provided in rural areas; construction of rudimentary surface transportation systems; well drilling and construction of basic sanitation facilities; rudimentary construction and repair of public facilities; detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.[174] Although § 401 HCA appears, in appropriations act language, to be funded from OHDACA, in practice this account is funded by the services with fenced O&M funds.[175] Only the de-mining portion of § 401 is funded by OHDACA. Therefore, HCA generally comes from a "pot of money" separate from OHDACA.

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[172] Message, 19 Nov. 1998, from Secretary of Defense to USCINEUR, USCINCCENT, USCINCACOM, USCINCSO, USCINCPAC, DLA, USCINCSOC, Joint Staff, RUEKJCS/SECDEF, DISAM, SECSTATE (19 Nov. 1998).

[173] Message, 19 Nov. 1998, from Secretary of Defense to USCINEUR, USCINCCENT, USCINCACOM, USCINCSO, USCINCPAC, DLA, USCINCSOC, Joint Staff, RUEKJCS/SECDEF, DISAM, SECSTATE (19 Nov. 1998).

[174] No member of the US armed forces may engage in the physical detection, lifting, or destruction of landmines (unless for the purpose of supporting an US military operation). HCA projects must be approved by the Secretary of State. The Secretary concerned must determine that the proposed HCA activities will promote both the security interests of both the US and the country concerned, and the specific operational readiness skills of the members of the US armed forces participating in the activity.

[175] Telephonic interview with Lieutenant Colonel Timothy Pendolino, Office of Legal Counsel to Chairman, Joint Chiefs of Staff (Mar. 16, 2000). *See* § 8009 of the Fiscal year FY) 2000 Department of Defense Appropriations Act.

(b) Transportation of Humanitarian Relief Supplies for NGOs – 10 U.S.C. § 402 (see *Appendix D-10*)

This provision is also known as the Denton Amendment. The Denton Amendment is discussed in detail in section 4., below.

(c) Foreign Disaster Assistance – 10 U.S.C. § 404 (see *Appendix D-11*)

Section 404 permits the President to direct the Secretary of Defense to provide disaster assistance outside the U.S. to respond to manmade or natural disasters when necessary to prevent loss of life. The President delegated to the Secretary of Defense the authority to provide disaster relief with the Secretary of State's concurrence (or in an emergency when there is not sufficient time to seek concurrence, provided the Secretary of Defense seeks concurrence as soon as practicable thereafter) in Executive Order 12966 (see *Appendix D-6*). Assistance provided may include transportation, supplies, services, and equipment.

(d) Excess Nonlethal Supplies for Humanitarian Relief – 10 U.S.C. § 2547 (see *Appendix D-12*)

This provision permits the Secretary of Defense to make available for humanitarian relief purposes any nonlethal excess supplies of DoD. Excess supplies must be transferred to the Secretary of State, who is responsible for distributing them. "Nonlethal excess supplies" are defined as property, other than real property, that is excess property, as defined in regulations, and not weapons, ammunition, or other equipment or material designed to inflict serious bodily harm or death.

(e) Humanitarian Assistance – 10 U.S.C. § 2551 (see *Appendix D-13*)

"To the extent provided in defense authorization acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide." Humanitarian Assistance under § 2551 is funded by OHDACA.

How does § 2551 differ from § 401? If the assistance to be provided meets all of the requirements of § 401, it is § 401 Humanitarian and Civic Assistance, and is funded with HCA funding. If it does not, but is for a humanitarian purpose, it is § 2551 Humanitarian Assistance, and is funded by OHDACA, unless another special authority, such as drawdown, is involved.[176]

In Central America, JAs were routinely queried about the propriety of OHDACA expenditures. Questions arose about use of these funds for base construction projects; morale, welfare and recreation; awards, including coins and certificates of achievement; gifts to foreign dignitaries, and; post-disaster transportation of humanitarian assistance supplies provided by non-governmental organizations. Each proposed use of OHDACA funds had to be carefully scrutinized to ensure use for a proper purpose pursuant to statutory guidance.

(2) Commander-in-Chief (CINC) Initiative Funds (CIFs) – 10 USC § 166a (see *Appendix D-8*)

These funds are appropriated annually as part of the O&M appropriation, and managed by the CJCS. CJCS personally reviews and approves requests for CIFs from the Combatant Commanders.[177] One of the approved activities is "humanitarian assistance."

Humanitarian assistance actions compete with other uses, such as force training and joint exercises, for limited CIFs. The statute states that CJCS should give funding priority to actions which will enhance warfighting capabilities, readiness, and sustainability of forces assigned to the CINC, and to activities which will reduce threats to, or enhance, U.S. national security.

CIFs may be available for purchase of medical and construction supplies, as well as other humanitarian assistance purposes. However, as a matter of policy, CIFs are not used for "normal service operating costs," including "service force participation in contingency operations."[178] This

[176] CONTRACT AND FISCAL LAW DEPARTMENT, THE JUDGE ADVOCATE GENERAL'S SCHOOL, CONTRACT AND FISCAL LAW DESKBOOK OUTLINE (1999).

[177] *See* CHAIRMAN, JOINT CHIEFS OF STAFF INSTR. 7401.01A, CINC INITIATIVES FUND (30 Jan. 1999).

[178] Email from Lieutenant Colonel Anthony Helm to Major John Miller, subject: JTF Aguila Funding (Hurricane Mitch Support) (Jan. 12, 1999) (citing CHAIRMAN, JOINT CHIEFS OF STAFF INSTR. 7401.01A, CINC INITIATIVES FUND (30 Jan. 1999)).

means that CIFs are not appropriately used for incidental mission expenses, such as Morale, Welfare, and Recreation (MWR) purposes. See section *8.c. Use of Funds for MWR Activities* below.

c. Foreign Disaster Relief Operations Funded From Already Purchased Supplies, Equipment and Services

(1) Special Presidential Drawdown Authority – 22 U.S.C. § 2318(a)(2) (Foreign Assistance Act § 506(a)(2)) (see *Appendix D-14*)

Commonly referred to as "drawdown" authority, this provision permits the President to draw down articles, services, and military education and training if the President determines and reports to the Congress that it is in the national interest of the United States to do so. The President may direct the drawdown for international narcotics control assistance, international disaster assistance, or assistance provided under the Migration and Refugee Assistance Act of 1962. This authority is limited to $75 million from the inventory and resources of DoD per fiscal year, plus $75 million from other agencies/departments.

When authorized by the President, this provision allows the transfer of goods and services from DoD inventories that would otherwise be prohibited by the Purpose Statute.[179] New procurements are not authorized. This authority was used extensively in Central America. Drawdown authority may not be used for new purchases. This constraint proved frustrating to commanders, who were required to find alternate funding to purchase supplies urgently needed for the relief effort, such as gravel and lumber, but which they did not have on hand.[180]

The President authorized the drawdown of $30 million in DoD articles and services to support the relief effort on November 6, 1998. (See *Appendix D-1*). The President authorized the drawdown of an additional $45 million on November 14, 1998. (See *Appendix D-2*)

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[179] Such transfers could otherwise be accomplished only through the Foreign Assistance Act or the Arms Export Control Act.

[180] Message, 071330Z Nov. 98, from USCINCSO Miami FL to RUEKCJS/SECDEF Washington, D.C., subject: Disaster Relief Operations Under Sec 506(a) Authority (7 Nov. 1998) (at Appendix D-3).

(2) Donation of Excess Non-Lethal Supplies - 10 U.S.C. § 2547. (See *Appendix D-12*)

This provision enables the SECDEF to donate any non-lethal excess DoD supplies for humanitarian relief purposes. DoD coordinates with the U.S. Office of Foreign Disaster Assistance and other elements of the Department of State, which are "responsible for the distribution of such supplies." This provision is less far-reaching than the drawdown authority under 22 U.S.C. § 2318. Section § 2547 requires that items be declared excess under applicable regulations. While this authority can be used to transfer a variety of items, it requires coordination in advance with the Defense Reutilization and Management Office (DRMO) and higher headquarters.

3. The rules change with the phases of the operation.

Sources of funds changed with the phases of the operation. During the first 72 hours of Phase 1, the Emergency Response Phase, units were instructed to use their Operations and Maintenance (O&M) funds to pay for disaster response and to record the expenditures so that the funds could be reimbursed later. SOUTHCOM subsequently received additional funds to replenish O&M accounts. During Phase II, the Rehabilitation Phase, drawdown authority was used to fund most activities of military units while they were in country. OHDACA and CIF covered expenses drawdown could not.

During Phase III, the Restoration Phase, O&M funded the deployment and sustainment costs, while Humanitarian and Civic Assistance (HCA) funds supported the incremental expenses of engineer and medical projects. The seven exercises known as “Expanded New Horizons” completed Phase III. The New Horizons program, which operated prior to Hurricane Mitch, will continue. Recently approved New Horizons exercises will continue to serve as a training program, which provides incidental benefits to the nations stricken by Mitch.

4. Space Available Transportation of Relief Supplies (Denton Amendment Shipments)

The Denton Amendment (Transportation of Humanitarian Relief Supplies for NGOs, 10 U.S.C. § 402) (see *Appendix D-18*), permits the movement of supplies furnished by a nongovernmental source which are intended for humanitarian assistance at no charge, on a space available basis. The program is jointly administered by USAID, DoS, and DoD.

DoD does not fund special flights associated with the Denton program. The program simply authorizes the shipment of relief supplies on a space available basis. Therefore, it is not accurate to refer to the shipments as "Denton flights." Flights may not be arranged solely for humanitarian purposes. The statute only authorizes humanitarian cargo on flights that are already scheduled for military purposes. It may be more accurate to refer to "Denton Cargo."[181] The Defense Security Cooperation Office (DSCA) approves movement of the cargo; TRANSCOM schedules the movement.

According to Ms. Judy McCallum of DSCA, the Denton Amendment program moves 2 million pounds of privately donated cargo by air each year, on average. For the disaster relief operations related to Hurricane Mitch recovery, the Denton program moved about 18 million pounds of cargo in 2 months -11 million pounds of cargo by air and 7 million pounds by surface transportation.[182]

While it is illegal to create a “Denton Flight” to haul cargo, some Reserve and National Guard units used their previously scheduled flight training hours to fly to Central America and back. These training flights were generally empty, and often moved Denton cargo. For example, 16 Air Force Reserve units and nine Air National Guard units used training hours to fly to and from the area. They moved 748 tons of Denton cargo in the process.[183]

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[181] Ms. Judith McCallum, Humanitarian Assistance Officer, Defense Security Cooperation Agency, Address at the Center for Law and Military Operation’s Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[182] Ms. Judith McCallum, Humanitarian Assistance Officer, Defense Security Cooperation Agency, Address at the Center for Law and Military Operation’s Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 88.

[183] Lieutenant Colonel Terrie Gent, U.S. Air Force, at the Center for Law and Military Operation’s Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with

DoD and other federal and international agencies found themselves stymied by an influx of donations. The International Federation of the Red Cross addressed the issue in its second situation report. "Internationally, the massive mobilization of assistance is proving difficult to channel. Spontaneous initiatives are bypassing coordination systems, and creating a major relief management challenge. Outside specialists who are being rushed to the area and VIP visits are tying up urgently needed resources."[184]

A USAID fact sheet also commented on the problem. "Unsolicited commodity donations often place an unnecessary burden on relief workers and local governments to store, transport and distribute supplies to those affected populations in need. This can also detract from the provision of more urgently needed relief assistance. USAID/OFDA can not provide assistance for the transport of donated goods."[185]

Judge advocates need to know what the Denton Amendment program authorizes. Once the cargo arrives, the U.S. Government may not pay storage and local transportation costs under the Denton program. During Hurricane Mitch, units moved supplies under the drawdown authority, which permitted donation of services and transportation for humanitarian purposes, and with OHDACA funds, under 10 U.S.C. § 2551, which allows for military transportation of humanitarian relief items. These authorities made some military transport of relief cargo on the receiving end permissible. In operations for which humanitarian assistance authorities have not been invoked, movement might not be permissible.[186] However, JAs must understand the rules and be able to articulate a legal basis for movement of Denton Cargo.

One interesting issue raised by transport of Denton Cargo is landing fees and taxes. Most SOFAs exempt the U.S. from such fees and taxes. NGOs may or may not have the same right to import cargo on a duty-free

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CLAMO) (citing Patrick E. Murray, Headquarters Twelfth Air Force Historical Study, *Hurricane Mitch and the US Air Force Participation in the Disaster Response*, June (1999)). Transcript at 59.

[184] *See* International Federation of the red Cross (IFRC), Central America: Hurricane Mitch Situation Report No. 2 (Nov. 1998) (at Appendix D-20).

[185] *See* U.S. Agency for International Development, *Central America – Hurricane Mitch Fact Sheets #4, 11, and 22* (at Appendices D-21, D-22 and D-23, respectively).

[186] In some non-humanitarian operations, movement of goods has been justified based on operational necessity, when the presence of excess relief supplies interferes with conduct of the military mission.

basis. Landing Denton Cargo may trigger import inspection issues. Inspections and taxes, if any, are the responsibility of the donor. DoS/OFDA should advise us on these issues. See *Appendix D-18* for additional guidance on Denton Cargo shipments.[187]

5. Use of Cash for Local Purchasing

Paying agents assigned to the JTF contracting section used cash to make local purchases throughout the JOA. This was a result of operating in areas where merchants were unable or unwilling to accept the IMPAC credit card or other forms of payment such as U.S. Treasury checks. Paying agents were often required to carry large sums of cash because of the distance between merchants and high volume of purchases. This practice resulted in the loss, through theft by a foreign national, of over U.S. $10,000.00 on one occasion.

Persons carrying Government funds are strictly liable for most losses of such funds. The practice of carrying large sums of cash in foreign countries, especially those where crime is commonplace, places soldiers at risk of both physical danger and pecuniary liability.

The use of cash as a method of payment should be avoided whenever possible. Contracting personnel should make a concerted effort to encourage acceptance of the IMPAC credit card by local merchants. In cases where cash must be used, the paying agent should carry only the smallest sum possible to achieve the purchase. Moreover, paying agents carrying cash must be provided both training about the criminal threat in the area and appropriate security.

6. Unauthorized Commitments

The first people on site during a deployment want to buy whatever is needed to get the job done. Well-meaning soldiers, acting in good faith, create unauthorized commitments on each deployment; the Hurricane Mitch relief effort followed this pattern. In one instance, soldiers acting without legal advice entered into contracts for support and sent the bill to the

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[187] *See* U.S. Agency for International Development, *USAID Fact Sheet - The Denton Program*, (at Appendix D-18).

Embassy without proper authority.[188] Once created, unauthorized commitments are time consuming and difficult to rectify. Although those responsible should have been aware of the requirements, the JA must expect this to occur, must be proactive in trying to prevent occurrence, and must train unit leaders before they deploy.

One way to minimize the number of unauthorized commitments is to ensure an ordering officer, with proper contracting officer oversight, is designated prior to deployment. It is important to develop a relationship with contracting personnel very quickly, and to facilitate their interaction with unit ordering officers.

Contracting officers did not deploy early enough in the Hurricane Mitch relief effort.[189] Units were also unable to successfully utilize contracting support from home station.[190] These difficulties "slowed initial humanitarian assistance efforts."[191] Judge advocates should encourage operations officers and commanders to include contracting officers and authorized ordering agents in the first movements of personnel into the theater.

It is also important to teach soldiers that they may be held personally liable for unauthorized commitments. A few basic guidelines should be included in soldiers' pre-deployment training. While this training may not be a traditional JA function, exercising foresight in this area will save the JA difficulties later.

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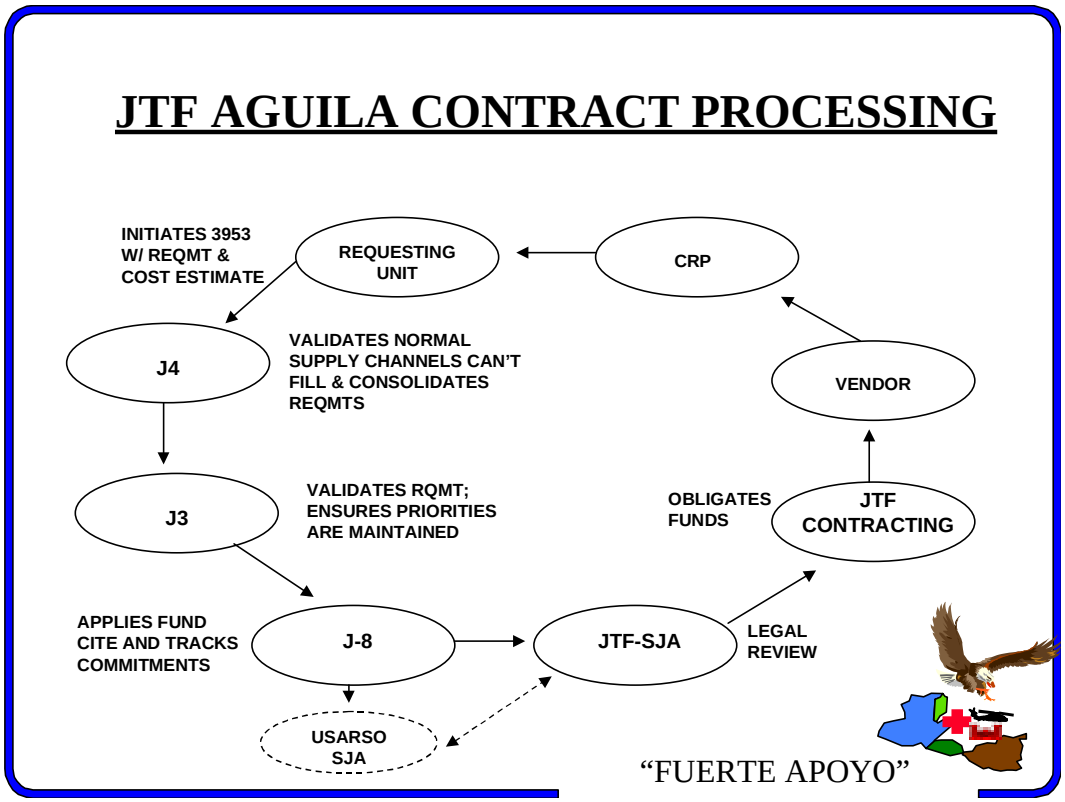
[188] Captain Scott D. Walters, TF Nicaragua JA, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[189] Captain Leonel Nascimento (Military Analyst, U.S. Army Center for Lessons Learned, CALL), *Army Lessons Learned and Successful TTPs for Hurricane Mitch Humanitarian Assistance: JTF Commander's Initial Impressions* (1999).

[190] Captain Leonel Nascimento (Military Analyst, U.S. Army Center for Lessons Learned, CALL), *Army Lessons Learned and Successful TTPs for Hurricane Mitch Humanitarian Assistance: JTF Commander's Initial Impressions* (1999).

[191] Captain Leonel Nascimento (Military Analyst, U.S. Army Center for Lessons Learned, CALL), *Army Lessons Learned and Successful TTPs for Hurricane Mitch Humanitarian Assistance: JTF Commander's Initial Impressions* (1999).

7. Contracting Issues.



a. The Contracting Process.

JTF-Aquila found the government contacting process difficult to execute in Central America. The commander appointed a J-8 to process the multiple funding streams provided to the JTF. Geographic separation of units made necessary the development of a standard, well understood contracting process. This process proved effective in standardizing and maintaining oversight over a large number of contracting actions. The JTF-A process is depicted in *Figure D-2, below.*

Figure D-2, The JTF-Aquila Contracting Process.

b. Use of the Simplified Acquisition Threshold

Judge advocates should be aware of simplified acquisition procedures. Simplified acquisition procedures streamline the contracting process. While still requiring promotion of competition to the maximum extent practicable,

they can reduce administrative costs, increase opportunities for small business concerns, and promote efficiency and economy in contracting.

Simplified acquisition procedures are detailed in Federal Acquisition Regulation (FAR) part 13, and include such methods as use of the government purchase card, purchase orders, blanket purchase agreements, and imprest funds. These methods can be used to make purchases not exceeding (1) the simplified acquisition threshold, which currently is $100,000; (2) $200,000 during designated contingency operations;[192] and (3) $5,000,000, when purchasing commercial items as defined in FAR 2.101, subject to any specific limitation applicable to the particular procedure.[193]

The $5,000,000 threshold is authorized only under the Commercial Item Test Program, which is currently scheduled to expire on January 1, 2002.[194] Contracting activities are to use simplified acquisition procedures under the pilot program to the maximum extent practicable.[195]

8. Use of Funds for Gifts, Awards, and MWR Activities.

a. Purchase of Awards and Gifts for JTF Personnel

Commanders often want to recognize and reward soldiers for a job done well under adverse conditions. Fiscal laws and regulations permit the use of some types of funds for this purpose. JAs must be familiar with these funding sources and the regulations governing them.

During the Hurricane Mitch relief effort, recognition proposals included purchasing coins, designing and producing miniature JTF colors, producing certificates of appreciation, and giving knives as "safety awards."

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[192] The increase was approved for Hurricane Mitch relief efforts in December 1998. Memorandum from Acting Director, Procurement and Industrial Base Policy, Office of the Assistant Secretary of the Army, Research, Development, and Acquisition (1Dec.1998).

[193] *See* 10 U.S.C. § 2304(g)(1)(B); FAR 13.5. The broad definition of commercial items includes, among other things, items sold, leased, or licensed to the general public, or has been offered for sale, lease, or license to the general public.

[194] *See* National Defense Authorization Act for Fiscal Year 2000 § 806(b).

[195] *See* American Eurocopter Corporation, B-283700, Dec. 16, 1999, 1999 U.S. Comp. Gen. Lexis 222 (upholding purchase of a Bell Helicopter using the FAR 13.5 authority).

Processing the requests to use funding for coins, for example, took weeks.[196] The difficult issue was the type of funding the JTF could use for this purpose.

Gifts for soldiers or commanders may not be purchased with appropriated funds. AR 600-8-22 governs the presentation of certificates, trophies, and similar devices awarded in recognition of achievement. Relevant portions are included at Appendix *D-17*. MACOMs and CINCs may have special rules governing the use of O&M funds for awards and coins. Deploying JAs should familiarize themselves with the statutes, regulations and local command policies relating to the local purchase of awards.

Generally, unit coins and certificates can be purchased with O&M funds, and awarded for unique contributions to the mission. The key to this question is that the item must truly be given as an award. Coins may not be given universally to all unit soldiers. They must be awarded based on a unique contribution to the mission. Units and MACOMs sometimes issue coin policies. These policies should be consulted prior to the purchase of coins.

Contingency missions create special issues. During the Hurricane Mitch relief effort, the question arose whether awards could be purchased with OHDACA money. Purchase of awards with CIFs was determined to be impermissible because CIFs may not be used for normal operating costs.[197] Higher headquarters should always be consulted on the issue of spending special funding to purchase awards.

b. Purchase of Awards and Gifts for Foreign Dignitaries

On most contingency operations, commanders are expected to interact with foreign dignitaries. It is customary to exchange mementos or small gifts on such occasions. There were several proposals to purchase awards,

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[196] Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 143.

[197] Email from Lieutenant Colonel Anthony Helm to Major John Miller, subject: JTF Aguila Funding (Hurricane Mitch Support) (Jan. 12, 1999) (citing CHAIRMAN, JOINT CHIEFS OF STAFF INSTR. 7401.01A, CINC INITIATIVES FUND (30 Jan. 1999)).

gifts and mementos with appropriated funds for foreign dignitaries during the deployment.

Such gifts may not be purchased with either general O&M funds or OHDACA funds. Initially, the JTF did not have the proper type of funds for the purchase of gifts and mementos for foreign dignitaries. Therefore, the JTF Commander requested Official Representation Funds (ORFs) from SOUTHCOM for that purpose.

AR 37-47 governs the use of ORFs. Relevant portions are included at *Appendix D-16*. Official Representation Funds may be used to extend official courtesies to authorized guests. These may include meals or gifts to foreign dignitaries. CJCSI 7201.01, Combatant Commanders' Official Representation Funds, governs the use of ORFs at the Combatant Commander level.

c. Use of Funds for MWR Activities

Appropriated funds are used for MWR activities in a deployed setting.[198] However, in the Hurricane Mitch relief effort, a variety of funds were available, and choosing the appropriate funding became an issue. CIFs were available for humanitarian assistance, but CIFs may not be used for normal operating costs.[199]

In Comalapa, El Salvadore, soldiers who had been restricted to base for between 30 and 45 days were taken by bus to the local market or to cultural sites on day trips. Initially, the U.S. Embassy paid for the bus trips. The commander sought guidance on which, if any, available funding could be used for similar MWR activities. The soldiers comprising TF El

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[198] "MWR support is mission funded during war and other conditions covered in this section. MWR activities are necessary to maintain physical fitness and to alleviate combat stress by temporarily diverting soldiers' focus from combat situations." U.S. DEP'T OF THE ARMY, REG. 215-1, MORALE, WELFARE, AND RECREATION ACTIVITIES, AND NONAPPROPRIATED FUND INSTRUMENTALITIES, Section IV, Mobilization, Contingency and Wartime Operations, Para. 8-26 (25 Oct. 1998). *See also* U.S. DEP'T OF THE ARMY, REG. 215-1, MORALE, WELFARE, AND RECREATION ACTIVITIES, AND NONAPPROPRIATED FUND INSTRUMENTALITIES, Section IV, Mobilization, Contingency and Wartime Operations, Para. 8-31 ("In theater MWR. All categories of MWR activities shall be mission funded with APFs per FM 12–6 (chap 7)").

[199] Email from Lieutenant Colonel Anthony Helm to Major John Miller, subject: JTF Aguila Funding (Hurricane Mitch Support) (Jan. 12, 1999) (citing CHAIRMAN, JOINT CHIEFS OF STAFF INSTR. 7401.01A, CINC INITIATIVES FUND (30 Jan. 1999)).

Salvadore came from 10 or more units. While the sending headquarters of the units had O&M funds, the TF did not. Some sending units did not believe it was appropriate to spend their O&M funds for the Hurricane Mitch relief effort. As a result, the deployed units did not have access to O&M funds.

The question arose whether OHDACA funds could be used for MWR activities, within reason, where the commander determines that MWR was a necessary expense of an extended humanitarian mission. Use of OHDACA funds for reasonable MWR activities was determined to be permissible in this case.[200] Judge advocates should expect this issue to arise, and should always raise it to higher headquarters for review.

9. Requests for Support to Non-DoD Organizations

The Hurricane Mitch relief effort was based on a Presidential directive to conduct foreign disaster relief. DoD Directive 5100.46 defines foreign disaster relief as "[p]rompt aid which can be used to alleviate the suffering of foreign disaster victims." This normally includes "humanitarian services and transportation; the provision of food, clothing, medicines, beds and bedding, temporary shelter and housing; the furnishing of medical materiel, medical and technical personnel; and making repairs to essential services."[201]

Judge Advocates supporting the relief effort used this definition as a guide to the acceptable parameters for the use of OHDACA and other disaster relief funding. As basic needs were addressed and the immediate life-threatening conditions subsided, JAs reviewed numerous requests for support that were outside the scope of the mission and available funding. Some of these issues are addressed below.

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[200] Email from Lieutenant Colonel Anthony Helm to Major John Miller, subject: JTF Aguila Funding (Hurricane Mitch Support) (Jan. 12, 1999) (citing CHAIRMAN, JOINT CHIEFS OF STAFF INSTR. 7401.01A, CINC INITIATIVES FUND (30 Jan. 1999)).

[201] U.S. DEP'T OF DEFENSE DIRECTIVE 5100.46, FOREIGN DISASTER RELIEF (4 Dec. 1995).

a. Support to Non-Governmental Organizations

(1) Movement of Supplies

The Denton Amendment, discussed above, governed no-cost military movement of NGO-provided relief supplies into the theater. Denton movements were scheduled by TRANSCOM for the Army. However, the Denton Amendment does not authorize the transportation of supplies once they reach the final military port. Further movement of these supplies by the military is generally considered humanitarian assistance, and may be prohibited in missions where humanitarian assistance funding is not available. During the Hurricane Mitch relief effort, drawdown authority and OHDACA funds were available, and the provision of humanitarian assistance was authorized. As a result, it was permissible for the military to schedule transport flights within the host nation to move the supplies in cooperation with the NGOs.

(2) Transport of Aid Workers

During the early stages of the operation, NGO personnel sometimes requested military transport along with supplies to ensure accountability. The use of military transportation by civilians is governed by a variety of DoD, Army, and command-specific regulations.[202] These regulations continue to apply in humanitarian assistance missions. During some missions, the Deputy Secretary of Defense has issued blanket approval for particular categories of civilians to use military transport. This issue should be anticipated, and closely coordinated with higher headquarters.

In some instances, the Joint Travel Regulation (JTR) authorizes issuance of invitational travel orders (ITOs) to individuals not employed by the U.S. Government.[203] Commanders and staffs must closely review each request to determine whether transport of non-DoD civilians is appropriate under Chapter 6 of the JTR. Generally, ITOs may only be issued where the recipient is providing a direct benefit to the U.S. military.

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[202] *See* U.S. DEP'T OF DEFENSE DIR. 4500.56, DOD POLICY ON THE USE OF GOVERNMENT AIRCRAFT AND AIR TRAVEL (2 Mar. 1997); U.S. DEP'T OF DEFENSE DIR. 4515.13-R, AIR TRANSPORTATION ELIGIBILITY (Nov. 1994); U.S. DEP'T OF DEFENSE DIR. 4500.9, TRANSPORTATION AND TRAFFIC MANAGEMENT (Jan. 1989); and DEP'T OF THE ARMY REG. 95-1, FLIGHT REGULATIONS (1 Sep.1997).

[203] JOINT TRAVEL REGULATION, Chapter 6. (*See* Appendix D-15 for an extract.)

b. Support to Host Nation Military

JTF Commanders received numerous requests for support from host nation military members. Requests for support ranged from provision of fuel and meals to construction of facilities.

(1) Construction and Improvements for Host Nation Military

In some instances, host nation military commanders requested base improvement projects inconsistent with the JTF humanitarian/disaster relief mission and associated funding. Throughout the JOA, U.S. forces were housed on host nation military reservations. In each country, with the exception of Guatemala, the diplomatic notes negotiated prior to the JTF's arrival called upon the host nations to provide such support to U.S. forces as part of their contribution to the hurricane relief effort.

Notwithstanding such commitments by their governments, some local base commanders sought U.S. assistance in improving their bases with minor construction projects. U.S. commanders sometimes felt pressured to support these local commanders. In other instances, commanders wanted to provide support in the spirit of good will and cooperation.

In El Salvador, one proposal called for a written agreement, which would have committed the U.S. to certain base improvement projects in return for base support. The JA advised against it because it was contrary to the exchange of Diplomatic Notes, and the commander did not enter into the agreement.

In the spirit of cooperation, U.S. commanders sometimes made unsolicited offers of such assistance. However, fiscal constraints prevented commanders from fulfilling many of these "promises." O&M, OHDACA, and other available funding were designated for emergency humanitarian assistance. These funds could not be used to improve host nation military facilities.[204] Promises made by U.S. military members are often considered promises of the U.S. Government by local nationals. Well meaning offers

[204] Such work might have been possible if an ACSA or other international agreement was in place, authorizing payment or reimbursement in kind.

by U.S. commanders to "help" had the potential for complicating relations between host nation base commanders and U.S. commanders.

Commanders sometimes sought to make improvements to buildings occupied by U.S. military forces. Such projects must facilitate Task Force operational requirements. Commanders may authorize maintenance and repair projects designed to facilitate U.S. humanitarian and/or disaster relief operations or designed to mitigate damage to existing base facilities resulting from U.S. operations.

An incidental long-term benefit to the host nation military does not preclude approval of such projects. However, benefit to the host nation, alone, does not constitute a proper purpose. All projects must be mission related and necessary and proper for operational needs.

Humanitarian and disaster relief missions are separate and distinct from security and foreign assistance missions. As a result, commanders were advised not to perform projects solely for the benefit of the host nation military.

(2) Requests From Host Nation Military For Personal or Logistical Support

One TF received a request from a host nation LNO for meals and fuel.[205] The JA advised that neither meals nor fuel might be provided to foreign military officers using mission funds absent an agreement for reimbursement. On a non-recurring basis, it might be possible to provide meals using ORFs, if the circumstances met the requirements of AR 37-47. Daily meals for an LNO would not meet those requirements.

c. Access to Post Exchange (PX) facilities

Post Exchange/ Base Exchange (PX/BX) access has been an issue on every recent deployment.[206] During the Hurricane Mitch relief effort, members of the Media requested PX access, because commercial retail

[205] Email message from Captain Daniel P. Saumur, to Lieutenant ColonelAntonio Mendibur, U.S. Air Force, (Oct. 27, 1998) (on file with CLAMO).

[206] *See* CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN THE BALKANS, 1995-1998: LESSONS LEARNED FOR JUDGE ADVOCATES (13 Nov. 1998).

outlets in Central America immediately following the hurricane were limited.

ARs 60-10 and 60-20 govern access to PX facilities. These regulations outline a process for obtaining special permission to extend PX privileges to those not normally entitled. In Bosnia, special permission was granted for Americans serving under the Dayton Peace Accord with the UN International Police Task Force (IPTF) to use the PX facilities. Non-U.S. IPTF members were not granted access.

Use of the PX by non-military personnel generally creates SOFA issues, as well. Most SOFAs grant duty-free status to PX imports, and prohibit transfer of these duty-free goods to non-military personnel.

During Hurricane Mitch, the SOFA with Honduras was interpreted to prohibit transfer of duty-free items to anyone other than military and civilians in direct support of the force.[207] A request for special permission for PX accesses by the media was not sought due to SOFA and policy concerns.

10. Support to Host Nation Populace

a. Donation of Food

JTF Aquila generated several requests to donate excess Class I (food) to host nation citizens affected by the hurricane. During Phase I, U.S. forces donated MREs to hungry civilians. This was part of the immediate response to save lives, and was justified based on the declared emergency and the 10 U.S.C. § 2551 authority to conduct the humanitarian assistance mission.

As the operation moved into Phase II, a policy determination was made not to use OHDACA funds to provide food to host nation civilians. A sufficient number of NGOs were operating for this purpose, and provision of food no longer fit the U.S. Forces' mission of rehabilitation.

[207] Email message from Captain Daniel Samur to Captain Charles Jacoby and Lieutenant Colonel Antonio Mendibur (Nov. 9, 1998) (on file with CLAMO); Email message from Lieutenant ColonelAntonio Mendibur to Captain Charles Jacoby and Captain Daniel Saumur (Nov. 9, 1998) (on file with CLAMO).

The issue of donating "excess" or "unusable" food still arose. The JTF legal advisor determined that during the second phase of the operation OHDACA funds should not be used during the later phases for the specific purpose of providing food to the host nation.[208] However, the donation of "remnants," or food that would otherwise be unused, was approved. Such donations must not be excessive, and must be designed to avoid passing illness to the recipients or generating liability for the U.S.

Donation of unusable food within the U.S. is governed by 10 U.S.C. § 2485. While not applicable overseas, the statute offers a valuable analytical framework to help minimize liability and abuse. This statute provides that donatable food must meet the following criteria:

(1) food must be certified as edible by appropriate food inspection technicians;

(2) food would otherwise be destroyed as unusable; and

(3) in the case of commissary store food, food must be unmarketable and unsaleable.[209]

b. Medical Services

"U.S. Doctors, Dentists, Nurses, and Medics performed basic health checkups and immunizations, as well as diagnosed and treated patients for diarrhea, respiratory infections, parasitic infestation, not to mention pulling a lot of teeth."[210] Donation of medical and optometry services and supplies, including eyeglasses, was determined to be consistent with the mission, and appropriate with available funding. OHDACA and CIF funding may be used for this purpose.

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[208] This was a policy determination based on the scope of the second phase of the mission. Where there is a humanitarian need for food, it is legally permissible to use OHDACA funds and drawdown authority for the provision of food.

[209] 10 U.S.C. § 2485. This statute limits recipients of donated food to designated organizations. This statute is NOT applicable to overseas missions, but provides a useful framework for reviewing requests for donated "excess" food.

[210] Captain Timothy M. Gilhool, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999*, at 18 (Feb. 1999) (on file with CLAMO).

During the first Phase of the operation, treatment of sustained injuries and control of communicable disease in unsanitary conditions was of paramount concern. The provision of medical care was a necessary part of the immediate mission to save lives. Veterinarians also treated pets and livestock. "It was the Army Nurses, Air Force Doctors, and the Navy Corpsmen who, more than any other element of the JTF, were seen by the average Central American. It was these service members who represented America's physical commitment to helping out after Hurricane Mitch."[211]

United States forces' provision of medical services was possible due to the nature of the mission and the availability of OHDACA funding. Extensive provision of medical assistance to the general population would not be possible in contingencies where humanitarian assistance funding is unavailable.

11. Fiscal Issues of Other Agencies

a. USAID/OFDA

United States Military officers often do not understand OFDA's mission.[212] OFDA leads the foreign disaster response for USAID, providing funding and oversight for U.S. foreign disaster assistance. According to Mr. Peter Smith of OFDA, they do not operate at the "retail level."[213] OFDA gives 70% of its budget each year to NGOs in the form of grants. OFDA works with NGOs on proposals to address identified needs, and then provides funding for the NGO to carry out the agreed upon work. OFDA also coordinates funding for NGOs from other donors.

OFDA also provides funding to the ICRC. The International Committee of the Red Cross (ICRC) does not receive grants to perform

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[211] Captain Timothy M. Gilhool, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999*, at 19 (Feb. 1999) (on file with CLAMO).

[212] The Office of U.S. Foreign Disaster Assistance, *About OFDA* (visited Apr. 13, 2000) <http://www.info.usaid.gov/hum_response/ofda/>.

[213] Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 102.

specified work. Instead, OFDA gives money based on an international ICRC appeal for funds. ICRC then uses the funds for general operations.

OFDA also works with the UNHCR and other UN agencies. OFDA sometimes provides supplies or other support to UN agencies, but funding UN agencies is a State Department responsibility. OFDA interaction with UN agencies is primarily a coordination effort.

OFDA maintains forward deployed field offices, with regional disaster management specialists, who respond to disasters in their area. OFDA also sends Disaster Assistance Response Teams (DARTs) to advise the local ambassador. OFDA seeks military transport only when commercial transport is not available, or when military political conditions make use of military aircraft preferable. Military transport is usually on a reimbursable basis. The UN's Office for the Coordinator of Humanitarian Affairs (OCHA) provides some transport and survey capability for OFDA, often at a lower cost than military transport.

During the Hurricane Mitch relief effort, the U.S. Military worked cooperatively with OFDA in six major ways:

- OFDA funded some U.S. Military flights;
- OFDA used Soto Cano Airbase as its relief operations hub;
- OFDA funded some U.S. military construction and engineering activities;
- OFDA drew supplies for distribution from its Panama stockpile;
- OFDA worked cooperatively on Denton/funded relief transport, and;
- OFDA conducted coordination and liaison activities.[214]

Transfer of OFDA funding to the U.S. Military was both immediate and significant. Prior to anticipated landfall in Belize, OFDA pre-positioned funds with SOUTHCOM. OFDA authorized up to $250,000 for search and rescue and emergency evacuation (transport of supplies was not required). During initial landfall in Honduras, OFDA positioned $750,000 for rotary and fixed wing operations (including positioning and support

[214] Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

costs), aerial assessment, search and rescue, emergency evacuation, and transport of supplies.[215]

Working cooperatively with OFDA also gave the U.S. Military greater flexibility. For example, drawdown authority is limited to the use of existing stocks. New purchases are not permitted. Unfortunately, the military did not have all of the items it needed to carry out the relief mission on hand. The military was able to use OFDA funding to purchase new equipment and supplies, such as sand, gravel, and lumber, to further the relief effort.[216] The flexibility gained by "partnering with OFDA" "allowed DoD and the USG [U.S. Government] to make a significant contribution to the relief efforts."[217]

b. CARE

Well-established NGOs may have access to, and knowledge of, the disaster site that the military lacks. CARE is one such organization. CARE has an international budget of a half-billion dollars per year, focused almost exclusively on development and emergencies in underdeveloped countries. "If a country gets too developed, we move out."[218] CARE initiated programs in Central America in the 1950s and 1960s. These programs had significant ties to the area when the hurricane hit. Well-established NGOs may have existing country agreements, which offer them protections and immunities similar to SOFAs.[219]

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[215] Mr. Peter D. R. Smith, Logistics Officer, U.S. Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA), Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[216] Message, 071330Z Nov. 98, from USCINCSO Miami FL to RUEKCJS/SECDEF Washington, D.C., subject: Disaster Relief Operations Under Sec 506(a) Authority (7 Nov. 1998) (at Appendix D-3).

[217] Message, 071330Z Nov. 98, from USCINCSO Miami FL to RUEKCJS/SECDEF Washington, D.C., subject: Disaster Relief Operations Under Sec 506(a) Authority (7 Nov. 1998) (at Appendix D-3).

[218] Mr. Yan Schollaert, Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 121.

[219] Mr. Yan Schollaert, Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 125. CARE Nicaragua has international organization status in Nicaragua, which gives them semi-diplomatic status. NGOs may also serve under UN contract, and carry UN protections and immunities.

When Mitch made landfall, CARE was hard at work evacuating people and organizing its relief effort. Mr. Yan Schollaert, Director of CARE Nicaragua, stated that CARE had a budget of $350,000 the day after Mitch made landfall, and had assisted 45,000 people within 5 days.[220]

Because they had established programs, and operate under different mandates and constraints, NGOs can affect the disaster site in ways the military cannot. For example, CARE established Food-for-Work and Cash-for-Work programs during the relief effort. Some of the Cash-for-Work funding came from USAID. They were able to employ approximately 8,000 people in the rehabilitation effort. Their first priority was saving lives, followed by health and sanitation, and then infrastructure and agricultural rehabilitation.

CARE encourages community involvement in their work projects. During the rehabilitation phase, CARE built or rebuilt 300 water systems with the help of the local communities. CARE contributed materials; the community provided 20% of the material and the labor.[221] CARE helped organize road clearing and sanitation teams, and provided tools. Cash-for-Work teams made important contributions to road rehabilitation programs.[222] "During the project's first phase, one or more members of more than 2,100 households in 60 communities rebuilt 101 kilometers of road, cleared riverbeds of flood debris, and built retention walls and sewers."[223]

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[220] Mr. Yan Schollaert, Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 114.

[221] Mr. Yan Schollaert, Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 116.

[222] CARE, *CARE's Post-Hurricane Mitch Response in Central America, A Progress Report, November 1998 Through January 1999* (found in CARE, *CARE Nicaragua, An Overview* (Mar. 1999)).

[223] CARE, *CARE's response in Nicaragua* <http://www.care.org/publications/mitch/nicaragua.htm>.

E. FORCE PROTECTION

1. Force protection is always an issue.

Force protection will be a priority in every mission. Force protection goals must be defined up front to be successful. Situational awareness and timely, accurate cultural intelligence will assist in identifying the threats. Once the threats are identified, control measures must be established to minimize risk. A Force Protection Working Group (FPWG) should be established to assist the commander in continuously assessing the threats and recommending countermeasures.

Although the purpose of this mission was to provide humanitarian assistance, much of the AOR in which U.S. forces operated had an extremely high crime rate. The ability to exercise self-defense was of paramount importance. Portions of Central America (particularly Nicaragua, El Salvador, and Guatemala) have experienced long periods of insurgency, which increased tensions and uncertainty. In Nicaragua, there was still an undercurrent of anti-U.S. sentiment resulting from U.S. support to the Contras in their fight against the Sandinista regime. Many of our base camps were located in "Sandinista Country" which increased the possibility of confrontation. Several relief projects throughout the AOR were canceled because the criminal or terrorist threat was assessed as too high.

JTF-Aguila Policy Letter #4, Force Protection, established the force protection policy for the JTF[224]. This memorandum stated, "Force Protection remains the number one priority of JTF-Aguila. Nothing we do is worth serious injury or the loss of life." Force Protection measures implemented in this policy letter included the use of minimum Force Protection Posture (FPP) levels, corresponding threat condition (THREATCON) measures, and periodic force protection inspections. Enclosures to the memo describe the minimum measures to be implemented for each FPP level, the measures corresponding to THREATCON level Alpha+, and the force protection inspection checklist. Country Task Force Commanders were tasked with assessing the threat to U.S. forces in their operational area, implementing the appropriate FPP, and conducting periodic inspections of their Force Protection program. JTF-Aguila established a

[224] Memorandum, Headquarters, Joint Task Force Aguila, JTFA-C, to Distribution A, subject: Policy Letter #4, Force Protection (3 Jan. 1999) (at Appendix E-1).

Force Protection Working Group (FPWG) to oversee the JTF Commander's Force Protection Program. The FPWG met weekly and consisted of commanders, staff, and special staff, as well as, Host Nation police and military forces. At a minimum, the FPWG should consist of the S-2 (Intelligence Officer), S-3 (Operations Officer), S-5 (Civil- Military Operations Officer), JA, Military Police representative, and counterintelligence representative.

Within the JTF, convoys were limited to a minimum of two vehicles. Except for a few individuals who received waivers to travel restrictions, armed host nation military personnel accompanied all JTF movement outside compounds. See *Appendix E-5: JTF Aguila Policy Letter #4 – Vehicle Movement Outside the Designated Compound of Comalapa Air Base, El Salvador*. Charlie Company, 1/502d Infantry, 101st Airborne Division (AAslt) deployed with the JTF and dispersed its soldiers throughout the AOR to act as quick reaction forces. The JTF Commander placed dangerous areas off limits. See *Appendix E4: JTF Aguila Memorandum, Subject: Off Limits Areas on Comalapa Air Base*. Commanders also found that educating JTF members on the history of the region (civil wars, insurgencies, past U.S. involvement) made the Force Protection Program easier to understand and better received by JTF members.

An additional concern in the Force Protection area is Status of Forces Agreements (SOFAs). See Section *C. International Law* for a detailed discussion of SOFA issues. Generally, our Status of Forces Agreements (SOFAs) with host nations include provisions which permit U.S. soldiers to carry weapons for their own protection. Based on concerns by the Nicaraguan government, that provision was deleted from the Nicaragua SOFA. Soldiers were allowed to carry weapons since this was not prohibited, but they did so discretely. For example, claims officers carried 9mm pistols instead of having clearly visible weapons mounted on top of High Mobility Multipurpose Wheeled Vehicles (HMMWVs).

2. Service members must be trained on the Rules of Engagement (ROE) – preferably before arriving in the AOR.

Even though Fuerte Apoyo was a disaster relief operation, ROE were still required. U.S. Forces must always have the right to use force in self-

defense, regardless of the nature of the mission. The JTF Aguila Force Protection Program was crafted based on the ROE in effect for the operation.

All service members should have a solid grounding in basic JCS SROE principles before they deploy. Once the mission is assigned, and before deployment to the AOR, training must commence on the mission-specific ROE. JAs will be involved in developing and disseminating ROE. Early coordination with Higher Headquarters JAs is critical. For Hurricane Mitch operations, the U.S. Southern Command (SOUTHCOM) Standing ROE for Deployed Forces applied. See *Appendix E-3: U.S. SOUTHCOM Standing ROE for Deployed Forces*. Service members who had a basic understanding of the JCS SROE easily shifted to the SOUTHCOM ROE as they were very similar.

ROE training should consist of briefings, situational training using vignettes, and lane training. Soldiers deploying from the 82d Airborne Division were already trained under the "R-A-M-P" principles.[225] They were given refresher classes on the JCS SROE and instructed on how to adjust to the specific SOUTHCOM ROE. This adjustment to the SOUTHCOM ROE was reinforced with the use of vignette training, which was based on scenarios likely to be encountered on the ground in the AOR. JAs created these scenarios based on the information they received from the S-2. Immediately prior to deployment, soldiers were issued SOUTHCOM ROE cards.

Once deployed, JAs must continuously assess the level of ROE understanding and training throughout the operation. Service members will always be arriving in the AOR, and some may not have received adequate ROE training. Further, ROE training is not a one time exercise. ROE training must be continuous. Otherwise, ROE knowledge and skills will deteriorate. However, JAs must keep the logistical limitations of the AOR in mind. Overhead projectors, PowerPoint projectors, and even a chalkboard may be difficult to obtain. JAs must have several methods available for teaching and training ROE in theater.

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[225] R-A-M-P is a mnemonic training device for training rules of engagement (ROE) principles. It stands for R – Return fire with aimed fire, A – Anticipate attack, M – Measure the amount of force used if time and circumstances permit, and P – Protect with deadly force only human life and property designated by the unit commander. *See* Major Mark S. Martins, *Rules of Engagement for Land Forces: A Matter of Training, Not Lawyering*, MIL. L. REV. 143 (Winter 1994).

JAs should stay abreast of operations to make sure the ROE continue to fit the mission. JAs should travel throughout the AOR, if possible, to ensure consistent ROE training. If there are problems with the actual ROE, JAs should discuss these issues with the commander to determine if a ROE change is required. However, be aware that in disaster relief operations, permissive ROE are unlikely. Requests for supplemental ROE will be the exception rather than the rule.

3. ROE can only be modified by the appropriate authority.

As previously mentioned, force protection was the primary concern of JTF-Aguila. The S-2, in coordination with counter intelligence personnel, was primarily responsible for the force protection program. As the mission progressed, some intelligence personnel wanted to modify the ROE to coincide with the internally generated threat conditions of the force protection program. SOUTHCOM ROE guidance provided that only SOUTHCOM could modify the ROE. At this juncture, JA representation on the Force Protection Working Group (FPWG) was critical in providing a balance between the ROE and force protection. JAs sitting on the FPWG correctly advised that force protection measures must fit within the current ROE. If a commander believes that adequate force protection is not possible within the current ROE, the commander must request a modification of the ROE. The JA can assist in drafting the request and also assist the commander in determining if the requested changes are likely to be approved. Deployed judge advocates found that they could best contribute to the resolution of force protection issues by participating in the force protection working group.

4. Be aware of other specific training that may be required in your AOR.

JAs must keep in mind that Unified Commands may have specific training requirements that must be completed before entering their AOR. SOUTHCOM requires all U.S. Forces entering its AOR to undergo human rights training in accordance with SOUTHCOM Regulation 1-20, Human Rights Policy and Procedures.[226] JAs deploying for Hurricane Mitch relief operations were aware of this because of their early coordination with the JAs at USARSO and SOUTHCOM. This regulation was obtained from

[226] *See* Appendix E-2 for text of U.S. Southern Command Reg. 1-20, Human Rights Policy and Procedures (1 July 1998).

SOUTHCOM, and training materials and human rights cards were created from the requirements in the regulation.[227] JAs found that when the history of the region was discussed in conjunction with the human rights training, the training was well received. Service members appreciated the emphasis placed on human rights when they understood the history of insurgencies, civil war, and crime in the region. Country materials regarding the history and present status of the region can usually be obtained from the S-2 section.

[227] SOUTHCOM provided deploying JAs a portable training package to assist them in training the human rights requirements. *See* Major Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 35.

F. LEGAL ASSISTANCE

1. Every judge advocate will practice legal assistance.

All judge advocates should prepare to practice legal assistance. Lawyers will always be asked to practice legal assistance when there are soldiers nearby. With only one JA in Nicaragua, Guatemala, and Honduras, two in El Salvador, and troops scattered throughout each country, demand for legal assistance services was high. Meeting the demand was a challenge due to transportation constraints. The most common legal assistance issues were financial problems, the Soldiers and Sailors Civil Relief Act, and family law. Accordingly, access to domestic law resources from the soldiers' home stations was very important.

2. Conflicts of interest can arise and create significant issues.[228]

Deployed attorneys frequently encountered professional ethical issues. They were expected to serve both the interests of the command and individual clients. They were required to operate in very close quarters, often by themselves or with one other attorney. Such conditions will result in ethical conflicts.

Two attorneys were assigned to the Joint Task Force (JTF) Headquarters in El Salvador. One attorney provided primary support to the Commander, Task Force Guatemala, and served as the primary provider of legal assistance in El Salvador. The command judge advocate served as the primary legal advisor to the JTF and subordinate commanders in El Salvador. Another attorney was permanently assigned to Task Force Nicaragua, and provided all legal services in that country. The "one stop shopping" legal support provided by these attorneys often presented them with ethical issues. Frequently, clients approached attorneys requesting assistance in matters dealing with the command.

In El Salvador, where two attorneys were available, the command JA divided the areas of responsibility between himself and the other attorney. This allowed the attorney charged with providing legal assistance to deal

[228] This particular lesson learned on the issue of conflicts of interest and most all of its narrative are quoted almost verbatim from a Memorandum from Major Dale N. Johnson, Command Judge Advocate, Joint task Force Aguila, to Captain Drummond, J-5, Joint Task Force Aguila, subject: After Action review #6 – Staff Judge Advocate (16 January 1999) (on file with CLAMO).

with clients without conflict. The attorneys adhered to strict confidentiality and avoided sharing information related to client representation in other than their respective representational capacities. Because of the close quarters encountered in field conditions, every effort was made to respect client privacy. Interviews were conducted outside the command judge advocate's presence.

One example of such a conflict was the case of a soldier who wanted to marry a Nicaraguan citizen. The soldier's command was opposed to the notion, but the JA had to act in his role as legal assistance attorney to the soldier and therefore assisted in making the arrangements. The soldier received counseling and advice from his chain of command and the chaplain. The U.S. Embassy assisted in the matter. The soldier got married in a civilian ceremony in Managua.[229] Fortunately, the commander understood the JA's role.

All clients that presented issues dealing with the chain of command were advised, in writing, of the potential conflict. They were told of the attorney's ethical obligation relating to client confidentiality and the unique conditions under which they were being provided legal assistance. They were then required to consent to representation by the legal assistance attorney, given those circumstances, following full disclosure.

Attorneys should review the rules of professional conduct imposed by both their state bar and *Army Regulation 27-26, Rules of Professional Conduct for Lawyers* (1 May 1992)[230] prior to deployment. See *Appendix F: Extract of Army regulation 27-26, Rules of Professional Conduct for Lawyers*. They must be sensitive to the potential for conflicts in situations where there are a limited number of legal advisors available to both the command and individual clients. Command judge advocates must establish systems to identify conflicts, inform clients of the potential for conflicts,

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[229] Captain Scott Walters, Task Force Nicaragua Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[230] *See* DEP'T OF THE ARMY REGULATION 27-26, RULES OF PROFESSIONAL CONDUCT FOR LAWYERS (1 May 1992). Rules 1.7 through 1.10 are the primary Army rules on conflicts of interest, but there are many cross-references within this regulation and attorneys should remember they are bound by their state bar rules, the Uniform Code of Military Justice, and other regulations.

maintain client confidentiality, and provide alternative representation when conflicts arise.[231]

3. Plan to provide cross-theater legal assistance support.

The Hurricane Mitch relief effort required forces to be divided among four countries, at different and often remote bases and locations within each country. (See generally *Appendix K3: Task Force Aguila Organization*). Soldiers at the many forward operating bases (FOBs) needed legal assistance. To deliver services, JAs or their 71Ds had to make weekly trips to the remote camps.[232] As with claims convoys in Bosnia, effective delivery of client services required planning in advance and notice to commanders, so that the commander could make soldiers requiring legal assistance available.[233]

For future deployments, remote counseling might be the answer to the logistical challenge of providing cross-theater legal assistance support and to the ethical conflicts that can arise when only one judge advocate is present on the ground. Legal assistance for some soldiers could be provided by scheduled calls to home station attorneys, as was done in some cases for trial defense services (see section *J.2. Ensure you have adequate Trial Defense Service (TDS) support before you deploy*). Arrangements with legal assistance offices and attorneys at home station must be made ahead of time. For example, agree on certain days and times that the home station office will close its doors to clients and will instead man the phone and fax lines to remotely counsel deployed troops. Remote counseling could be especially productive in the legal assistance arena, where many of the issues and problems arise from matters back home. Of course, reliable communications are critical if this system is to work.

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[231] Memorandum from Major Dale N. Johnson, Command Judge Advocate, Joint task Force Aguila, to Captain Drummond, J-5, Joint Task Force Aguila, subject: After Action review #6 – Staff Judge Advocate (16 January 1999) (on file with CLAMO).

[232] *See, e.g.* Captain Scott Walters, Task Force Nicaragua Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[233] JAs in Bosnia would organize and lead "claims convoys" to remote areas of the theater to intake, pay and investigate claims. Part of their success lay in announcing their scheduled stop locations and times ahead of time, and conducting them on a routine basis, so that locals could arrange their matters and for transportation ahead of time. *See* CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN THE BALKANS, 1995-1998: LESSONS LEARNED FOR JUDGE ADVOCATES, pp. 157-158 (13 Nov. 1998).

4. Have a strong Soldier Readiness Program (SRP) in place prior to deployments.

Create an advance packet to improve the SRP process. A packet of materials that includes information papers on wills, will worksheets, powers of attorney, and the claims process will enable soldiers and family members to think about their legal needs *before* their unit conducts the Soldier Readiness Program (SRP) processing prior to deployment. When soldiers arrive at the SRP legal station, they can be better prepared with questions and information necessary to designate beneficiaries.

5. Incorporate legal assistance issues into predeployment training.

Predeployment training is an opportunity to practice "preventive law," taking measures proactively to prevent or minimize legal issues and problems from arising once deployed into the area of operations. It is well known that rules of engagement, use of force and law of war instruction should be part of predeployment training. But preventive law can go beyond these immediate operational law issues.

From the legal assistance discipline, predeployment training for commanders and soldiers should include a brief description of the Soldiers and Sailors Civil Relief Act (SSCRA) and what protections it does, and more importantly does *not*, provide. During the Hurricane Mitch relief effort, some commanders erroneously advised their troops not to pay bills, based on a lack of knowledge of the SSCRA. Other topics should include explanations of wills and powers of attorneys, who needs them and why.

6. Bring the necessary resources.

A few Legal Assistance-related items to note for any predeployment checklist include:

- Bring a notary seal.
- Bring phone books, directories, and rosters from soldiers' home duty stations, and the Judge Advocate General's Corps Personnel Directory. Deployed JAs cited these as indispensable items.

G. CIVIL-ADMINISTRATIVE LAW

This section includes civil and administrative law issues, with the exception of contract and fiscal law. See section *D. Fiscal Law* for a discussion of those issues.

1. Real Estate

a. Base Camp Acquisition

In each country, with the exception of Guatemala, the diplomatic notes negotiated prior to the JTF's arrival called upon the host nations to provide basing support to U.S. forces as part of their contribution to the hurricane relief effort. Some of the land provided was on host nation military bases. In those cases, leases were not necessary, but Memoranda of Understanding (MOUs) were helpful in preventing or resolving potential issues. An example of a MOU for the use of host nation military facilities is at *Appendix G-1: Draft Memorandum of Understanding for the Use of Facilities and Real Estate on Comalapa Air Base, El Salvador*. An MOA on working relationships between the U.S. and the host nation military was also useful, and is at *Appendix G-4: Memorandum of Agreement Concerning the Working Relationship Between Joint Task Force Aguila and the Second Air Brigade*. When the U.S. Military sought to leave equipment for follow-on forces arriving for Expanded New Horizons, a MOU governing the pre-positioning of equipment was also useful (see *Appendix G-3: Draft Memorandum of Understanding Between the Commander of the Base Felipe Cruz and the 219th Red Horse Flight Commander Regarding Pre-Positioning of U.S. Equipment and Material in Guatemala, Base Felipe Cruz*).

Some leases for additional land were still required. When leases are needed, the Corps of Engineers (COE) negotiates and signs the leases. A sample lease is included at *Appendix G-2: Lease Between Carlos Deshon D. and the United States of America*. The six-page lease between Carlos Deshon D. and The United States of America demonstrates the utility of signing a lease. The lease specified a rent of "One Dollar ($1.00), U.S. Currency, for the lease term." Why sign a six-page lease for $1.00? The lease precisely specified the land to be used, what the U.S. could do with that land, all rights and obligations of both parties, and the damage claim

procedure. At the conclusion of the lease, the lessor claimed for, and was awarded, over $6,000 for restoration, waiving all future claims.

JAs must obtain a copy of any applicable lease from the COE. The COE representative will often leave after leases are negotiated, and commanders and JAs will need to know the terms. JAs should be involved in the negotiation process when possible, as the COE representative has expertise in lease agreements, but may not know the unit or its mission. JAs must brief their commander on lease terms. JAs should also ensure that COE representatives document the condition of leased land and facilities. If COE does not do this, the JA should take the initiative to do it, using a digital camera. Documentation will save money in the end.

b. Base Camp Maintenance and Improvements

As discussed in the section on Fiscal Law lessons learned, some host nation military commanders requested base improvement projects inconsistent with the JTF humanitarian/disaster relief mission and associated funding. Notwithstanding commitments by their governments to provide all necessary facilities, some local base commanders sought U.S. assistance in improving their bases with minor construction projects. U.S. commanders sometimes felt pressured to support these local commanders. In other instances, commanders wanted to provide support in the spirit of good will and cooperation.

In El Salvador, one proposal called for a written agreement, which would have committed the U.S. to certain base improvement projects in return for base support. The JA advised against it, and the commander did not enter into the agreement. On one facility, the local commander requested that the U.S. convert tent pads to basketball courts upon their departure. Such requests were clearly not related to the disaster assistance mission.

Commanders sometimes sought to make improvements to buildings occupied by U.S. military forces. Such projects must facilitate Task Force operational requirements. Commanders may authorize maintenance and repair projects designed to facilitate U.S. humanitarian and/or disaster relief operations or designed to mitigate damage to existing base facilities resulting from U.S. Operations.

An incidental long-term benefit to the host nation military does not preclude approval of such projects. However benefit to the host nation, alone, does not constitute a proper purpose. All projects must have a mission related purpose and be temporary in nature. When designing a project for temporary use, the focus should be on the duration and use of the facility by the U.S. military for the current deployment.

Humanitarian and disaster relief missions are separate and distinct from security and foreign assistance missions. Many of the proposed base improvement projects either constituted military construction or were not directly related to the JTF's humanitarian/disaster relief mission. Thus, commanders were advised not to perform such projects.

c. Base Camp Closure

Base camp closure issues included lease and waste disposal issues. Under some leases, the force was required to give 30 days notice for termination of leased facilities.[234] This notice period allowed the lessor to file a claim for damage prior to termination of the lease. In the case of the Deshon lease, this provision was effective, and allowed the claim to be resolved prior to the departure of the force. In some cases, departing forces repaired damage prior to redeployment, thus avoiding future claims.

Disposal of hazardous chemicals and medical waste is discussed in paragraph *2. Environmental Lessons*, below. These issues must be resolved prior to the departure of U.S. forces in order to avoid claims.

Because the Phase II participants redeployed prior to the arrival of the Phase III participants, MOUs were required in order to leave equipment for follow on forces. These MOUs generally proved effective.

When possible, base-closing teams[235] should be established to address these issues. Base closing teams document the condition of the property left behind. Documentation and photographs are added to real estate files to address future claims.

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[234] Lease Between Carlos Deshon D. and The United States of America, Lease No. DACAO1-5-99-382, paragraph 9, at Appendix G3.

[235] CPT Scott Walters, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 67.

2. Environmental Lessons

The disposal of medical and hazardous waste was the predominant environmental issue. Some host nations lacked processing capabilities to properly dispose of these wastes. While U.S. environmental laws generally do not apply overseas, U.S. policy, expressed in EO 12114, imposes specific requirements on U.S. actions abroad under certain circumstances.[236] *DoD Directive 6050.7, Environmental Effects Abroad of Major Department of Defense Actions* (31 Mar. 1979) and *Army Regulation 200-2, Environmental Effects of Army Actions* (23 Dec. 1988), set out requirements for consideration of environmental effects abroad.[237] Treaties, such as the Basel Convention, may also govern the disposal or movement of hazardous waste abroad.[238]

Even where there is no applicable host nation law, and where U.S. policy does not require consideration of environmental effects, foreign claims are likely to result if care is not taken in managing environmental waste. At the end of Phase II of the relief effort, units generally transported hazardous and medical waste back to the U.S. In one case, silver by-products from X-rays were flown to the U.S. from Nicaragua, because the nation lacked appropriate disposal facilities. The only other option – handing the waste over to a local waste contractor, was determined likely to result in improper disposal, or dumping. The unit chose to bring the waste home with them, rather than risking potential environmental damage or poisoning of local water supplies.

Insecticides presented a similar concern. In that case, insecticides were left with the proper host nation authorities, which agreed to use the insecticide for its intended purpose, in accordance with host nation laws, rather than disposing of it.

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[236] Exec. Order No. 12114, 44 Fed. Reg. 1957 (Jan. 4, 1979); U.S. DEP'T OF DEFENSE, DIR. 6050.7, ENVIRONMENTAL EFFECTS ABROAD OF MAJOR DEPARTMENT OF DEFENSE ACTIONS (31 Mar. 1979); U.S. DEP'T OF ARMY, REG. 200-2, ENVIRONMENTAL EFFECTS OF ARMY ACTIONS (23 Dec. 1988). For a discussion of the laws applicable to U.S. Forces during deployment, *see* MAJ Karen V. Fair, *Environmental Compliance in Contingency Operations: In Search of a Standard*, 157 MIL. L. REV. 112 (Oct. 1998).

[237] *See* MAJ Karen V. Fair, *Environmental Compliance in Contingency Operations: In Search of a Standard*, 157 MIL. L. REV. 112 (Oct. 1998).

[238] *See* MAJ Karen V. Fair, *Environmental Compliance in Contingency Operations: In Search of a Standard*, 157 MIL. L. REV. 112 (Oct. 1998).

3. Liability Concerns

The provision of U.S. military services to civilians always raises liability concerns. In the first phase of the operation, it was necessary to transport aid workers with supplies. In one of these instances, the plane skidded off the runway. Fortunately, no one onboard was injured. These issues are unavoidable when transportation of civilians is required.

None of the worst case hypotheticals occurred during the Hurricane Mitch relief effort. However, the issue was of concern to deployed JAs. Release forms are frequently used to mitigate the concern. The relative protective value of the form is debatable, but may lessen liability if an accident occurs. Deployed JAs wishing to develop a liability waiver form should work with the U.S. Army Claims Service.[239]

Donated food, medicine, and pesticides also created liability concerns. These items can spoil or be misused. Some medicines were also donated. By regulation, the medicine could not be brought back into the U.S. Instead of destroying it, the medical team donated it as excess property to a local physician. Pesticides also could not be returned to the U.S. Proper disposal would have been difficult, if not impossible. The excess pesticides were judged safer than those being used by the host nation, and were donated to government authorities. Proper choice of recipient is obviously important. Ensure that the recipient has the necessary facilities and skill for proper use. A waiver might also be of use in these cases.

[239] http://www.jagcnet.army.mil/USARCS.

H. FOREIGN CLAIMS

Claims are an essential part of most overseas U.S. military operations. Claims against the United States in a deployed environment are usually addressed pursuant to the Foreign Claims Act (FCA)[240]. The purpose of the act is to "promote and maintain friendly relations through the prompt settlement of meritorious claims." The FCA and the implementing regulations provide for a relatively straightforward method of compensation.[241] The statute and regulations authorize payment in local currency to inhabitants of foreign countries for personal injury, death, or property loss caused by United States military personnel outside the United States. The basis of the claim may be either negligence or wrongful conduct.[242] The local law of the country in which the claim arises provides the standards for determining both liability and damages.[243] While fairly straightforward, these legal principles require practical knowledge for effective application in an operational setting.

1. Establish claims procedures as soon as possible.[244]

The timely processing of claims requires claims procedures to be established as early as possible in the operation. Foreign claims commissioners and unit claims officers should be appointed prior to deployment. A claims SOP should be created before deployment, or immediately upon arrival in country.

The U.S. Army Claims Service appointed the deployed JAs foreign claims commissioners for the Hurricane Mitch operation.[245] The Command JA for JTF-Aguila created, and had approved, a claims SOP before the end of November. This SOP required all company size and larger units to

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[240] 10 U.S.C. § 2734. If a Status of Forces Agreement is in effect for the country where the claim arises, it will likely lay out detailed procedures for the payment of claims by the U.S. and the host nation government.

[241] *See* U.S. DEP'T OF DEFENSE, DIR. 5515.3, SETTLEMENT OF CLAIMS UNDER 10 U.S.C. §§2733 AND 2734 (26 May 1966); U.S. DEP'T OF ARMY REG. 27-20, CLAIMS, Ch. 10 (1 Aug. 1995).

[242] *See* U.S. DEP'T OF ARMY REG. 27-20, CLAIMS, paras. 10-2a and 10-8 (1 Aug. 1995).

[243] *See* U.S. DEP'T OF ARMY REG. 27-20, CLAIMS, paras. 10-10a and 10-11a (1 Aug. 1995).

[244] JTF-Aguila did not process personal claims by U.S. service members while deployed due to a shortage of personnel. Personal claims were resolved upon return to home station.

[245] Due to the lack of logistical support, the USARCS appointment was rescinded and a new appointment was issued by USARSO. Information provided by CPT Scott Walters, JA.

appoint a unit claims officer. See Appendices *H-1: Claims Procedure Memorandum* and *H-2: Unit Claims Officer Appointment Guide*. The unit claims officers were responsible for conducting claims investigations for their units, educating members of their units on the claims process, and coordinating claims processing within their units. All military vehicle drivers were given claims instructions that told them what to do in case of an accident as well as instructions in Spanish to be provided to local nationals involved in an accident with a military vehicle. The unit claims officer forwarded completed claims to the Command JA who reviewed the investigation to ensure it conformed to USARSO requirements.

2. Who pays?

Fostering good will among local nationals is a significant part of any disaster relief operation. The timely payment of valid claims will go a long way toward maintaining good relations with the host nation. In order to ensure claims are paid in a timely manner, close coordination between the supporting command's claims and finance office at the outset of the operation is essential. Delays in the settlement of claims will have an adverse impact on mission accomplishment.

The U.S. Army Claims Service took immediate action to appoint task force attorneys as foreign claims commissioners. However, there was a delay in determining how claimants would be paid after their claims were adjudicated. Pay agents in the Joint Operations Area did not have the authority to make such payments for several weeks. This was due in part to uncertainty about whether operations accounts could be reimbursed from claims funds. Commanders are reluctant to use scarce operations and maintenance funds for the payment of claims. This is especially true in a disaster relief operation where the demands on funds increase. Intervention by the supporting command's resource managers eventually resolved the issue and pay agents were allowed to pay claimants in foreign currency from claims fund cites.

Later in the operation, USARSO took over claims responsibility from the U.S. Army Claims Service. This sped up the adjudication and settlement of claims because UARSO was closer to the AOR, and USARSO was familiar with the day-to-day claims coming out of the AOR. Additionally, a class A agent was assigned to JTF-Aguila in late January 1999. The Class A agent accompanied the JA on claims missions, and was able to pay claims

on the spot in the host nation currency from his own claims fund cite. This method of settling claims proved very effective.[246]

JAs should establish liaison with the resource managers during the initial planning stages of the operation and develop a comprehensive plan for the adjudication and payment of claims. Normally, claims will not be a big issue at the outset of a disaster relief operation. However, as more forces enter and spread out through the AOR, claims issues will increase. JAs should use the initial claims respite to coordinate with higher HQ, resource managers and pay agents to determine how claims will be paid.

3. Solatia payments may be an effective way to maintain positive relations with the host nation.

With the large number of vehicles and heavy equipment involved in the disaster relief operations, accidents were inevitable. Solatia payments may offer an efficient and inexpensive means of resolving these sorts of incidents and maintaining the goodwill of the host nation. A Solatia payment is not a payment in settlement of a claim. It is nominal sum paid as an expression of sympathy or remorse to a victim. There is no legal obligation to pay, and payment is not an acknowledgment of liability. Solatia payments are made from a unit's operations and maintenance funds, not from a claims account. Coordination with the Unified Command SJA should be made before initiating solatia payments in the AOR.

JTF-Aguila successfully used solatia, or solatia-like payments as one means of settling minor incidents. On one occasion, a host nation civilian refused to move his truck, delaying port operations, after being involved in a minor accident with a military vehicle. The JTF commander paid him the equivalent of $25 to resolve the issue and he moved along. The JTF legal staff researched the issue and concluded that it is common practice in Central America to resolve such matters at the scene of the accident. Therefore, the JTF staff drafted a policy that allowed for the use of such payments, not to exceed $25 per incident, in situations where it would facilitate operations. See *Appendix H-3: Memorandum on Solatia Payments*. The policy contained explicit guidance prohibiting the use of such payments

[246] CPT Scott Walters, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO). Transcript at 57-59.

in situations where normal claims procedures would apply and required task force commanders in the respective countries to personally approve the payments.

Prior to deployment, claims attorneys should consult *Army Regulation 27-20, Claims* (31 Dec. 1997) and *DA Pam 27-162, Claims Procedures* (1 Apr. 1998) and the supporting claims office to determine whether local custom is consistent with the use of solatia payments. If appropriate, the task force command judge advocate should develop a solatia policy, which provides uniform guidance to commanders and explains the difference between solatia payments and the normal claims process. Judge advocates should then closely monitor the administration of the policy.

4. Claim forms and instructions should be in the host nation's language.

Foreign claims were filed using a Standard Form 95, which is printed in English. Since most host nation citizens did not speak English, this presented a significant, time consuming problem in filing claims. In response to this problem, Standard Form 95 was translated into Spanish. In addition, each vehicle driver was given a letter, written in Spanish, which explained the claims procedures to potential claimants. Claims adjudication could have occurred more rapidly if claims forms in the host nation language had been available to units upon their arrival in country.

I. INFORMATION OPERATIONS AND PUBLIC RELATIONS

1. Information Operations must be integrated into the plan from the beginning.

Information Operations (IO)[247] were not conducted until late in the Hurricane Mitch relief efforts. Although the need for an Information Operations cell was identified early in the operation, the personnel identified to fill the slots did not arrive into the area of operations until mid-January, when the operation was drawing to a close:

> Their talents and experience would have been invaluable at the beginning of the operation to develop a detailed, coordinated Information Operations program, but it was difficult to coordinate a meaningful program at the end of the operation.[248]

An information operation (IO) campaign is an essential element of the humanitarian assistance mission. Humanitarian assistance and disaster relief operations offer unique opportunities to build trust and friendship between the U.S. and host nations. This was especially true in Nicaragua, a country with which the U.S. has had strained relations for many years:

> A well thought out and synchronized IO campaign, coordinated by a Land Information Warfare Activity (LIWA) Forward Support Team (FST) from the outset of the operation, would have brought about a much more positive host nation perception of the U.S. military. Additionally, the IO effort

[247] Information Operations (IO) is defined by the Army as: Continuous military operations within the military information environment that enable, enhance, and protect the friendly forces' ability to collect, process, and act on information to achieve an advantage across the full range of military operations; Information Operations include interacting with the global information environment and exploiting or denying an adversary's information and decision capabilities. See DEP'T OF THE ARMY FIELD MANUAL 100-6, INFORMATION OPERATIONS, Glossary (27 Aug. 1996). IO is comprised of three types of operations: Command and Control Warfare (C2W), Civil Affairs (CA), and Public Affairs (PA). "C2W, CA, and PA are interrelated operations that are conducted to support the Army objective of achieving information dominance in any operational environment-combat or peace. See JOINT PUB 3-13.1, JOINT DOCTRINE FOR COMMAND AND CONTROL WARFARE (3 Feb. 1996).

[248] JOINT TASK FORCE AQUILA JOINT AFTER ACTION REVIEW, Observation #3 (Task Organization): Staffing of JTF Headquarters (1999) (on file with CLAMO).

would have strengthened the U.S. and host nation bond by cultivating deeper trust and friendship.[249]

Initially, in the absence of an IO campaign strategy, the Military Public Affairs Detachments (MPADs) carried the load and told the JTF story. Once established toward the end of JTF Aguila's existence, more expansive IO operations provided a bridge to the follow-on operation forces for New Horizons projects.[250]

In disaster relief operations, an IO campaign can serve two critical functions:

- Promote mission accomplishment.
- Promote force protection and security.

To integrate an IO plan for the beginning of a mission, identify functions specific to disaster relief operations and the appropriate components for carrying out those functions. Information Operations elements—PA, CA, PSYOP, etc.—should be integrated into the Time Phased Force Deployment List (TPFDL).

In assessing IO functions and operators, remember CA, PSYOP, and PA elements are able to use the same communications media with essentially the same messages, to reach different audiences. CA and PSYOP personnel address local populations and enemy forces, respectively, while PA personnel address U.S. forces and national and international news media. CA and PSYOP personnel provide news and information to the local populace on the effects of operations.[251]

2. Information Operations can promote mission accomplishment.

Information Operations can promote mission accomplishment by:

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[249] Captain Leonel Nascimento (Military Analyst, U.S. Army Center for Lessons Learned, CALL), *Army Lessons Learned and Successful TTPs for Hurricane Mitch Humanitarian Assistance: JTF Commander's Initial Impressions* (1999).

[250] Captain Timothy M. Gilhool, U.S. Army, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

[251] DEP'T OF THE ARMY FIELD MANUAL 100-6, INFORMATION OPERATIONS, Ch.3 (27 Aug. 1996).

- Boosting troop morale
- Increasing troop situational awareness
- Preparing locals for mission execution

Keeping soldiers informed promotes their morale. Promoting the good work they are doing in the relief operation in the home media also boosts their morale. Public Affairs fulfills the commander's obligation to keep the American people and the soldiers informed.[252]

Keeping soldiers informed of events throughout the area of operations increases their situational awareness and sense of mission and purpose. In deployments where information was scarce, many soldiers reported being unaware of their location, their surroundings, and the nationalities of other troops participating in the operation. Information Operations addressed to soldiers helps alleviate this lack of information.

Information Operations also promotes mission accomplishment by keeping the local population informed. One example was the Medical Humanitarian Assistance Missions (MHAMs). Direct medical and dental care, primary care, veterinary care, and Preventative Medicine (PM) training and assistance missions were conducted. U.S. forces augmented local and Ministry of Health clinicians. In Guatemala and El Salvador, the JTF sent MHAM teams of 10-30 service members to prearranged towns and villages. The U.S. Psychological Operations and Civil Affairs teams, along with the host nation Ministry of Health, publicized these events to the local population for several weeks prior to the start date to ensure more people could be seen on these two to four day missions.[253] PSYOP and CA teams were also used to promote sanitary practices and publicize safe drinking water sites so that people would not drink contaminated local water.

The JTF PAO worked in the JTF Headquarters at Comalapa Air Base, El Salvador. They dealt exclusively with military media and concentrated

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[252] With the broad scope and initiative given to soldiers and units today at every level, one of the primary tools the commander uses is the internal information program. Well-informed soldiers are likely to have higher morale and perform better. Soldiers need and want information from both external and internal sources and are interested in the public perception of an operation. See DEP'T OF THE ARMY FIELD MANUAL 100-6, INFORMATION OPERATIONS, Ch.3 (27 Aug. 1996).

[253] Captain Timothy M. Gilhool, U.S. Army, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

on providing information to the deployed soldiers, sailors, airmen and marines. A Joint Information Bureau (JIB) was established to deal with non-military media. They were located close to the U.S. Embassy in San Salvador to better utilize their resources and contacts. Over ninety percent of the PAO service members who served in the JTF came from twelve Reserve and National Guard Military Public Affairs Detachments (MPADs). These technicians and military photojournalists released 134 print stories and 26 broadcast stories to the media, several of which were published in home station newspapers and the Army Times.[254]

Civil Affairs played a significant role in promoting good will and mission accomplishment. It is vital for the local populace to understand what the U.S. is trying to accomplish and the benefits they will reap from the U.S. presence. Military Information Support Teams (MIST) worked in an array of jobs, from serving as interpreters to acting as diplomats to gain the confidence of the host country. MIST teams used several different means to communicate the truth about the operation and to disseminate safety concerns. Their efforts ranged from hanging up posters, to handing out fliers, to broadcasting messages from loudspeakers.[255]

3. Information Operations can promote force protection and security.

There is a "political dimension" to the disaster relief operations. "The Hondurans needed to be reassured that we were doing everything we could."[256] IO improved force protection by improving relations and thereby lowering threats to the force.

Media coverage and relations are critical to putting the following messages out to the local populace of the affected region:[257]

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[254] Captain Timothy M. Gilhool, U.S. Army, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

[255] "Behind the Scenes", by SSG Tim Barnes, 361st Press Camp Headquarters, SOUTHCOM New Horizons website, http://www.ussouthcom.com/soughcom/newhorizons/articles/behindthescenes.html, April 26, 1999.

[256] CPT Daniel P. Saumur, JTF-BRAVO Command Judge Advocate, Honduras, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[257] CPT Daniel P. Saumur, JTF-BRAVO Command Judge Advocate, Honduras, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

- Explain the types of projects and work being done. Advertise the positive. But ensure there is an explanation of the limits of what can be done. It is important to avoid false expectations, hopes and promises and the concomitant resentment or anger that could result.
- Explain that the military and relief communities are doing all they can.

These messages and an effective Information Operations (IO) campaign can actually promote force protection and security by casting the soldiers in a friendly, positive light and ingratiating them in the minds of the host nation government and people.

4. Information Operations must be sensitive to the "politics of compassion."

Information Operations personnel must be sensitive to the "politics of compassion."[258] There may be jealousy and competition for resources between nations, regions and even local communities. Strive to ensure different groups are treated fairly. There may also be competition among some of the relief providers for credit and praise. They want to demonstrate their contributions.

Despite this possibility, NGOs and PVOs can be valuable in planning a good public affairs campaign. They, too, are interested in accentuating the positive and educating the public. They have a presence on the Internet and in foreign affairs departments, and have a variety of contacts for getting the word out.[259]

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[258] COL Jacoby, as quoted by CPT Daniel P. Saumur, JTF-BRAVO Command Judge Advocate, Honduras, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[259] *See, e.g.*, Mr. Yan Schollaert, Country Director, CARE Nicaragua, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

5. Visitors.

The presence of visitors during relief operations can seem like an intrusion. But most visitors in a relief operation such as Hurricane Mitch should be treated as special guests.

> Visitors to the area have a strong impact on the outcome of the existing operations and will most likely influence the future of overall operations and U.S. presence in the theater. Congressmen, senators, Department of Defense officials and senior government leadership will most certainly develop long-term foreign policy direction and funding, based on the impressions during their visit.[260]

Important visitors to the Hurricane Mitch relief effort repaid the effort by providing a large relief package, which reimbursed U.S. military funds and extended the relief effort.

[260] Captain Leonel Nascimento (Military Analyst, U.S. Army Center for Lessons Learned, CALL), *Army Lessons Learned and Successful TTPs for Hurricane Mitch Humanitarian Assistance: JTF Commander's Initial Impressions* (1999).

J. MILITARY JUSTICE

1. Attempt to resolve UCMJ jurisdiction prior to deployment.

Resolving UCMJ jurisdictional issues occupied a significant amount of the deployed JA's time. Brigade and Group commanders were all designated Special Courts-Martial Convening Authorities (SPCMCA) prior to deployment. However, several smaller provisional unit commanders, including battalion-size unit commanders, did not have courts-martial convening authority because their designation as a provisional unit commander did not include this authorization. General courts-martial convening authorities (GCMCA) can establish deployment contingency plans, which when executed, designate provisional units whose commanders have SPCMCA.[261] JAs should review the appointment orders of provisional commanders to ensure they have the appropriate level of court-martial convening authority.

Some provisional units deployed without orders assigning or attaching their personnel to the provisional unit for military justice purposes, although all provisional unit commanders had assumption of command orders. The JA must ensure that all personnel reporting into the JTF have orders attaching them to a unit for military justice purposes. If they do not, the JA must coordinate with the S-1 to have these personnel attached to a unit for UCMJ purposes.

The JTF Commander was not designated a General Courts-Martial Convening Authority. The only GCMCA for the JTF AOR was CINCSO. Most units deployed to the AOR with their own plans for dealing with military justice matters. For serious offenses, some units planned to return the offenders back to home station for adjudication, while others planned to handle serious offenses in theater. However, with CINCSO as the only GCMCA for the theater, units were hesitant to handle serious cases in the JOA. JAs must identify the GCMCA as early as possible, and pass this information on to deploying units so they can devise a workable military justice plan.

[261] *See* U.S. DEP'T OF ARMY, REG. 27-10, MILITARY JUSTICE, para. 5-2 (20 Aug. 1999).

2. Ensure you have adequate Trial Defense Service (TDS) support before you deploy.

No TDS attorneys deployed to the AOR during Hurricane Mitch operations. Defense services for the JTF were provided by USATDS from USARSO and U.S.-based TDS offices. As a result, most Article 15 counseling occurred by phone. Marginal telephone capabilities coupled with intermittent and slow fax capabilities greatly inhibited defense counsels' ability to provide adequate legal support to their clients. Additionally, some TDS counsel were unwilling to conduct Article 15 counseling by phone and fax. Limited transportation between the JOA and Panama made it nearly impossible for defense counsel to provide services in person. On those occasions when service members flew to Panama to consult with defense counsel, they were often unable to return for a week or more.[262]

One unit, the 36th Engineer Group from Ft. Benning, developed a support plan with the Ft. Benning TDS office prior to deployment. Soldiers called at designated times, and TDS attorneys were available to counsel them. This system worked for this unit because a support agreement was developed prior to deployment, with designated counseling times.

The JTF Headquarters was capable of providing logistical support, office space, and transportation for a TDS attorney. Assigning a TDS attorney to the JTF would have resulted in better representation for service members and more timely military justice actions. One TDS attorney would have been adequate for JTF-Aguila based on the size of the JTF and the nature of the mission if adequate transportation were available. Future JTFs of a larger size or different mission may require more than one TDS attorney. Additionally, TDS attorneys may also require legal specialist support, which will impact the JTF logistics plan.

[262] Memorandum, Command judge Advocate, Joint Task Force Aguila, to Joint Task Force Aguila J-5, ATTN: Captain Drummond, subject: After Action Review #7 – Staff Judge Advocate (23 Jan. 1999) (on file with CLAMO).

3. JAs must be prepared to assist commanders with mission-specific regulations.

The Commander, JTF Aguila, implemented several orders and policy letters to help govern the force during operations. These orders and policy letters included General Order #1 (see Appendix J-4), Policy Letter #4, Force Protection, (see Appendix E-1), policy regarding solatia payments (see Appendix H-3), Commander's Policy Regarding MWR Activities (see Appendix J-3), Commander's Orders Regarding the Treatment of Cultural Objects (see Appendix J-2), and Off Limits Areas on Comalapa Air Base (see Appendix E-4). Obviously, these various orders and policy letters cover a broad range of topics, and the JA must be well versed in all to properly advise the commander.

It is likely that commanders will issue a General Order #1 (GO #1) in future operations. General Order #1 is a punitive order, issued by the JTF Commander, which prohibits certain activities within the JOA that may prejudice good order and discipline or bring discredit to the JTF. Such prohibited activities may include the consumption of alcohol, entering certain places of worship, possessing privately owned firearms, and gambling. Many of the activities prohibited by GO #1 will be based on the host nation's culture. For instance, GO #1 for Desert Shield/Storm prohibited the entering of mosques, the consumption of alcohol and the viewing of pornography because Saudi Arabia is an Islamic country. The JA must be aware of the cultural/religious prohibitions of countries in the JOA when advising commanders on the appropriate restrictions to include in GO #1.

JAs must also be aware of activities prohibited by the Unified Command. SOUTHCOM prohibits the "consumption of alcohol by deployed units performing operational missions or participating in exercises under COCOM[263] or OPCON[264] of U.S. Southern Command." See *Appendix J-1: U.S. Southern Command Policy memorandum – Consumption of Alcohol by Operations Forces Deployed in SOUTHCOM AOR.* JTF Commanders are allowed to waive this restriction with subsequent notification to SOUTHCOM. The Commander, JTF Aguila took advantage of this provision and allowed JTF personnel on pass and participating in

[263] Combatant command.

[264] Operational control.

MWR activities to consume alcohol. See *Appendix J-3: JTF Aguila Commander's Policy Regarding MWR Activities*.

K. PERSONNEL, TRAINING AND EQUIPMENT

Major Dale Johnson, the Task Force Aguila Command Judge Advocate, best summarized the key lessons learned in the areas of personnel, training and equipment in the following:[265]

- Be prepared—Once the order comes, it's too late!
- Develop a legal operations plan.
- Deploy the right JA at the right time.
- Identify predeployment training requirements.
- Learn the applicable law and identify key points of contact (POCs).
- Continuously assess training.

1. Prepare for deployment now.

Be prepared. Once the order comes, it's too late! [266]

Major Johnson at Fort Bragg had a trial the week of 1-6 November 1998, then departed for Myrtle Beach for a weekend pass with his family. He was called that night at his hotel room. Two days later, on 8 November, he was on a plane bound for Guatemala. Captain Scott Walters at Fort Benning received a verbal warning order on 9 November, was told where he was going (Nicaragua) on 22 November, and landed in country on 25 November:

> I got the word about two weeks before we left to prepare for movement. Main JAG missions prior to deployment were to coordinate with USARSO, JTF-BRAVO, and SOUTHCOM to find out how [the] Task Force would be organized, was there a SOFA, what are SOUTHCOM ROE, train soldiers on SOUTHCOM ROE, SOFA and Human Rights) (HR training is required before deploying in SOUTHCOM AOR), print ROE cards and Human

[265] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[266] Major Dale N. Johnson, Joint Task Force Aguila: Legal Operations After Action Review (AAR) (March 1999) (unpublished compilation, on file with CLAMO).

> Right[s] cards, admin. and medical SRP, pack a field desk and footlocker with forms, ARs, laptops, hand off pending trials and remainder of jurisdiction to other TCs [Trial Counsel], etc.[267]

There are many tasks the operational judge advocate, trial counsel, Brigade Operational Law Team (BOLT) Chief, and other attorneys can perform now, and on a regular basis, to better prepare for a short-notice deployment. A few examples include:

- Have a predeployment checklist and rehearse it. (See *Appendix K6: Sample Predeployment Checklist*.)
- War-game deployments. Discuss the escalating scale of contingencies with the Staff Judge Advocate. Develop an office-level plan on who will deploy and on how deployed JA's positions will be back filled or their duties reassigned. This is a prime opportunity to develop a working relationship with aligned Reserve Component JAs.
- Have a "battle box" loaded with legal references, materials, the RDL (Rucksack Deployable Law Office and Library) and its supporting equipment, and office supplies.
- Run an efficient Soldier Readiness Program (SRP) for supported units, saving last minute waves of wills, powers of attorneys, family support plan issues, etc.

2. Prepare a legal support plan for the operation.

> *Have a legal support plan and staff it. This should be top driven, but should consider assets of task force units.*[268]

During the Hurricane Mitch relief operation, there was no overarching *legal support plan* until a month into the operation. Major Dale Johnson was sent to Guatemala in the beginning of November to support the

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[267] Email Message from CPT Scott Walters, Fort Benning, deployed to Nicaragua for Hurricane Mitch relief efforts, to CPT Tyler L. Randolph, Center for Law and Military Operations, subject: Hurricane Mitch AAR (20 Jan. 1999 12:09PM) (on file with CLAMO).

[268] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

battalion-minus aviation task force (C/159th Aviation) from Fort Bragg. Captain Scott Walters deployed to Nicaragua from Fort Benning, Georgia, to support Fort Benning's 36th Engineer Group. 1LT Mark Hannig deployed from Fort Lewis to support Fort Lewis' 593d Support Group. Captain Daniel P. Saumur was already in Honduras as JTF-BRAVO's Command Judge Advocate. Captain Tiernan Dolan was the *only* JA centrally selected and deployed by SOUTHCOM into the area of operations. He was sent to El Salvador in mid-November.[269]

No formal assessment of the legal needs within the JOA occurred prior to deploying those attorneys. This resulted in inadequate[270] and uncoordinated[271] legal services within the JOA.

After Major Johnson was selected to be the Command Judge Advocate for Task Force Aguila, and moved from Guatemala to El Salvador to join the JTF Headquarters, he assessed the needs for legal support and decided how to support operations with the JAs already in theater. After consulting with the Air Force commander of the Red Horse Squadrons in Guatemala, Major Johnson decided that the operation could be supported by "circuit riding," periodically sending a JA (LT Mark Hannig) into Guatemala.[272]

The lesson is that a legal support plan should be developed and implemented centrally by the major command's Staff or Command Judge Advocate. Major Johnson recommends:

> The major command responsible for coordinating humanitarian operations within the JOA should assess the need for attorneys prior to deploying them with supporting forces. The assessment should include an analysis of the need for attorneys

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[269] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[270] Joint Task Force Aquila Joint After Action Review, Observation #3 (Task Organization): Staffing of JTF Headquarters (1999) (on file with CLAMO).

[271] Memorandum from MAJ Dale N. Johnson, Command Judge Advocate, Joint task Force Aguila, to CPT Drummond, J-5, Joint Task Force Aguila, subject: After Action review #2-Staff Judge Advocate (18 December 1998) (on file with CLAMO).

[272] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

with special skills and background, such as rank, field experience, language skills, deployment contracting training and claims experience.[273]

a. Conduct Legal Preparation of the Battlefield (LPB) and METT-TC (Mission, "Enemy," Time, Troops, Terrain and Civilians) analyses.

The developer of the *legal support plan* has two interrelated tools to assist, *LPB* (Legal Preparation of the Battlefield) and *METT-TC* (Mission, Enemy, Time Troops – Terrain, and Civilians). LPB was addressed in Lessons Learned section *A. Legal Issues Confronted In a Foreign Disaster Relief Operation*, and is also described at *Appendix A.* It is a device for predicting the type and quantity of legal issues that will arise through the phases of an operation. The METT-TC analysis should be conducted in conjunction with the commander and other staff members during the decision-making process. By tying the LPB-predicted flow of legal issues to the concept of the operation, a legal support plan will emerge. Then the decision of who to deploy may be made. The result should be a legal support plan that provides legal support to the operation throughout the area of operations for all needed phases.

b. Task organize.

[The] unit might not know it needs a lawyer…Sometimes, I am not sure the Commander always knows what he needs as far as legal support and I feel we have a role there…[274]

FM 27-100, Legal Support to Operations, provides for flexible tailoring of legal support.[275] SJAs decide how they will support a given operation based on anticipated needs and available resources.

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[273] Memorandum from MAJ Dale N. Johnson, Command Judge Advocate, Joint task Force Aguila, to CPT Drummond, J-5, Joint Task Force Aguila, subject: After Action review #2-Staff Judge Advocate (18 December 1998) (on file with CLAMO).

[274] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[275] See DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS (1 Mar. 2000).

Commanders also play a role in determining legal support. The Commander of the 7th Transportation Group decided not to send his assigned Judge Advocate, Captain Frank King, with his 10th Battalion, which deployed to Panama to conduct boat movements of supplies and equipment. Instead, a 71D, SSG Franklin, deployed. The commander was about to change command and wanted the JA available for the incoming commander. The Battalion Commander had requested that the JA go. In hindsight, given the number of fiscal, military justice, and other issues that arose, the JA believes he should have deployed.[276]

In contrast, Major Dale Johnson, the Aviation Brigade Trial Counsel, originally deployed to be the advisor to Task Force Angel, a battalion-minus aviation task force from Fort Bragg. Once on the ground, Major Johnson found there were not yet a lot of legal issues. In hindsight, Major Johnson feels he would have been more useful back in garrison as the Trial Counsel for the remainder of the Aviation Brigade during that period of time.[277] While this may have been true for that unit, JAs should generally deploy as soon as possible to solve the initial legal issues.

The JA for JTF Bravo in Honduras, Captain Daniel P. Saumur, did not feel legal augmentation was required for that JTF, but quickly saw the need for a legal advisor at JTF-Aguila. He recommended that SOUTHCOM provide the JTF JA, but that was not considered possible. He also recommended that the JTF-Aguila legal advisor establish a technical chain and oversight for the major issues throughout the AOR. Captain Saumur correctly forecast that the biggest issue would be fiscal law, followed by issues of ROE, force protection and jurisdiction for matters of military justice.[278]

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[276] Interview with Captain Francis (Frank) P. King, former Command Judge Advocate for the 7th Transportation Group, Fort Eustis, Virginia, conducted at the Judge Advocate General's School, Charlottesville, Virginia (16 March 16, 2000).

[277] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[278] Email message from CPT Daniel P. Saumur, Joint Task Force Bravo, Honduras, to COL Roberts and LTC McCallum, Headquarters, U.S. Army South, Antonio J. Vazquez, subject: RE: JTF BRAVO SITREP (November 11, 1998 3:29PM) (on file with CLAMO).

(1) Consider the size of the area of operations and obstacles to travel and communication.

(a) Dispersion of Personnel and Operations

U.S. military units in Central America were spread over 500 kilometers from Guatemala to Nicaragua and extended all the way down to Panama.[279] Units in El Salvador were consolidated. In Nicaragua, units operated out of several forward-operating bases (FOBs) spread over 250 kilometers. The dispersion led to more disciplinary issues and more claims, increasing the need for legal support and the difficulty of delivering it.[280]

JTF-Bravo was successful with one JA, but it was already a standing JTF, with a fixed base of operations. Captain Saumer, the task force JA, had already spent months as the legal advisor. These advantages were not present in the other three nations. Whenever possible, JAs should deploy as 2-member teams when personnel and operations are as dispersed as they were in Hurricane Mitch.

(b) Judge advocate support must be mobile.

Each judge advocate must be able to move throughout their portion of the AOR to support the commander and mission. Commanders become accustomed to taking "their Judge" with them on missions lasting hours to days. Handling claims (intake and payment) can mean frequent travel to remote areas. With an overnight rucksack and the RDL,[281] judge advocates were ready to travel with a representative of the command group at any time. Transportation plans must also be developed for these missions, which often require multi-vehicle convoys.

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[279] Captain Timothy M. Gilhool, U.S. Army, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

[280] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[281] The RDL is a proven set of off-the-shelf capabilities that includes a laptop computer, CD-ROM, modem and network capabilities, scanner, printer, digital camera, TACSCAT phone, appropriate set of hardware and software, and hard-shell case. See DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS, par. 4.4.1 (1 Mar. 2000).

(2) Remember key cells and operating groups: the DJTFAC.

In developing a legal support plan, integration with the commander and the planning staff is of the utmost importance. One of the first military units to deploy was SOUTHCOM's Deployable Joint Task Force Augmentation Cell (DJTFAC). It did not include a JA, but should have. As previously stated, there was no JTF JA or centralized legal support concept until more than a month into the operation.

The DJTFAC is not a standing organization with specified manning, but rather a tailored organization (usually 25-35 personnel) drawn from CINC headquarters and other nearby service component personnel. These hand picked augmentees provide joint and area expertise in key positions on the JTF staff and are specially trained in crisis action procedures at the operational level of war. All DJTFAC members perform their normal staff duties at their parent commands while on call as DJTFAC members. When called, they provide joint perspective, enhance the JTF's operational expertise, and provide theater-level expertise on the region's issues. In short, the DJTFAC is a tool to complete the JTF commander's staff, transforming it from a single-service or area headquarters to a fully capable JTF. The CINC transfers Operational Control of all DJTFAC members to the JTF commander.

The DJTFAC, though thoroughly versed in crisis action planning, is not limited to future operations planning. Members serve wherever the JTF commander needs them. Special staff, such as medical and legal experts, is routinely included as augmentees by some combatant commands, and such experts should always be included as augmentees in disaster relief operations.

c. Choose the right JAs and 71Ds for the mission.

(1) Consider deploying the JAs and 71Ds organic to the task force units.

JTFs are generally organized on an ad hoc basis. The supporting headquarters element is sometimes put together in the same fashion.

An ad hoc staff initially lacks cohesion, standing operating procedures, and methods of operating. Whenever possible, JAs should deploy with organizations with which they have an established relationship.

Major Dale Johnson deployed from Fort Bragg with Aviation Task Force Angel. He was later appointed to be the JTF Aguila Command Judge Advocate. He had no prior relationship with SOUTHCOM or the other JTF staff members. While he performed extremely well, it took longer for him to develop relationships with the staff. He would have liked to have had an opportunity to coordinate in person with the SOUTHCOM staff prior to the deployment.[282]

(2) Consider special qualifications specific to the operation.

Other considerations to weigh when task organizing legal support to an operation include operational law experience, language skills, and prior experience in, or knowledge of, the area of operations. For example, 1LT Mark Hannig, who deployed from I Corps, Fort Lewis, with the 593d Support Group to become the Task Force El Salvador JA, was not the trial counsel for the 593d back at Fort Lewis. He was chosen because he spoke Spanish fluently.[283]

(3) JAs must be "jacks of all trades."

In today's legally complex operations, judge advocates must be "jacks of all trades," proficient in all of the core legal disciplines and functional areas.[284]

> Deployed attorneys face a large variety of legal issues. Within hours of arriving in theater, the attorney on the ground, Captain Dolan, briefed me on the ongoing issues at the outset of the

[282] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[283] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[284] See DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS (1 Mar. 2000). The six core legal disciplines are administrative law, civil law, claims, international law, legal assistance and military justice. The three legal functional areas are command and control, sustainment, and personnel service support (or support, for short). The practice of operational law consists of legal services that *directly* affect the *command and control* and *sustainment* of an operation.

> deployment: agricultural and customs requirements for redeployment; vector control; SOFAs; claims procedure; international movement; operation and general orders; demining; memoranda of agreement with host nation military installations; refugee camps; fiscal law and UCMJ jurisdiction. At that time Captain Dolan had been working within the Joint Operations Area (JOA) two weeks. The variety of issues expanded with time.[285]

JTF-Aguila attorneys participated in Force Protection and Finance Management working groups.[286] The JA should be ready, willing and able to pitch in with the rest of the staff in non-legal functions and requirements.[287] Thus it is important for JAs to create leader professional development (LPD) opportunities to learn a variety of operational issues. Home station resources, such as officers from other branches, can expand the LPD program. There are also educational opportunities through correspondence and residential courses.

The JA should be equivalent in rank with the rest of the JTF commander's staff. Having a Major on the JTF staff and Captains on the individual (country) task force staffs worked well in this operation. Prior operational law experience or deployments are always desirable, but not required.

Finally, special skills, such as language capability and familiarity with the area of operations can greatly enhance effectiveness. Language skills were critical to planning, coordination and claims. At least one member of the operational law team should have language skills, if possible.[288] Those

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[285] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

[286] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

[287] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[288] Language skills were necessary, but lacking, for most every aspect of the operation. For example, none of the sixteen helicopter pilots who flew relief missions in Nicaragua spoke Spanish. Only three of the sixty-five air crews in Nicaragua did. *See, e.g.*, Ms. Lynn Vega, USAID Nicaragua Mission, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

JAs who came from USARSO had an advantage because they habitually work with MILGRPS and embassies in Central America, and have already developed working relationships. For example, this experience allowed the JA on the ground to assist in the negotiation of the diplomatic notes (DIPNOTE) with Nicaragua.[289]

The attorney SOUTHCOM chose to deploy (Captain Tiernan Dolan) was particularly well suited because he was one of their Operational Law Attorneys, spoke Spanish, was familiar with the area of operations, and had personally dealt with the Military Groups (MILGRPS) and Embassies in each of the affected countries.[290] But experience shows that well trained, highly motivated JAs perform well on deployment regardless of previous experience or special skills.

(4) Properly Integrate 71Ds.

The Army's legal specialists (71Ds) are often under utilized. Deployed attorneys must be willing to integrate and support their legal specialists. At least eight 71Ds deployed to Central America.[291]

(a) 71Ds are extremely versatile.

The accomplishments of the 71Ds deployed in support of Hurricane Mitch relief operations were too numerous to list here. Two examples are provided to demonstrate the versatility of our legal specialists. One 71D, PFC Ruiz, deployed with 1LT Mark Hannig to Task Force El Salvador. In El Salvador at the JTF HQ, the JTF-ES attorneys worked in a building

[289] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[290] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[291] Deployed 71Ds included: SSG Scott A. Wilshire in Honduras (JTF B), SSG Franklin in Panama (7th Transportation Group, Fort Eustis, VA), SSG Robinson in El Salvador (46th Corps Support Group), SGT Madril Smith in Nicaragua (Fort Benning), SGT Wharton (189th CSB, Fort Bragg, NC), SPC Eaves in Nicaragua (46th Engineer Battalion, Fort Polk, LA), SPC Van Ekron in Guatemala, PFC Ruiz in El Salvador (593d Corps Support Group, I Corps).

alongside the CA, contracting officers and resource management personnel. This building also housed the HOC personnel so the entire building became known as "The HOC." PFC Ruiz's language and diplomatic skills were a great asset. She inserted herself into the operations of the HOC, Civil Affairs and the contracting officer. These personnel came to rely on her to perform a variety of tasks that facilitated the mission.

Another 71D, SPC Van Ekron, worked in San Jose, Guatemala, without a collocated attorney. When 1LT Hannig visited Guatemala, he established a claims adjudication procedure with the Civil Affairs officers and with SPC Van Ekron as the lead investigator. The approval authority was Major Johnson in El Salvador, but a legal Specialist had the lead for all foreign claims in that nation.

(b) Support your 71Ds.

JAs must actively monitor and support 71Ds. Legal specialists are normally attached to a unit and are therefore assigned unit duties in addition to their legal duties. The unit may not have a full appreciation of the scope of the 71D's legal duties and the time that may be required to perform the duties satisfactorily.[292] The situation may be especially difficult for the legal specialists if they are junior in grade and there is no legal NCO attached to the unit. Deployed attorneys should maintain close communication with the 71D's platoon sergeant, first sergeant, and unit commander so that they understand the legal duties assigned to the legal specialist.

One legal specialist in Central America was diverted by the personnel section. Because they did not appreciate the demands and value of her legal duties, they frequently assigned her non-legal work.[293] As a result, there was no legal representation in the HOC. Another legal specialist at a remote location was so overburdened with non-legal duties that she had difficulty performing her claims investigation duties.[294]

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[292] This situation occurred in the JTF-A countries of El Salvador and Guatemala. The legal specialists investigated claims, but also performed duties in support of the units to which they were attached.

[293] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

[294] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

Deployed attorneys should immediately assess their 71D legal support. The attorney should inform the local chain of command of the legal work to be performed by the 71D. Communication requirements increase when the 71D is attached to a unit for deployment other than one to which they are permanently assigned.[295]

d. Establish a JA technical chain.

Lack of a judge advocate technical chain and failure to develop a centralized legal support plan could have resulted in duplication of efforts, conflicting opinions, and forum shopping. Technical channels must be established to avoid these issues.

During Mitch operations, attorneys did not adequately coordinate legal opinions with their counterparts at each echelon of command. Several attorneys, both within the JOA and outside the JOA, provided legal opinions relating to JTF operations. On several occasions, both the JTF CJA and USARSO attorneys provided opinions regarding the same issues to different staff elements. Those personnel, in turn, passed that advice back to the JTF. While the legal opinions were generally consistent, this process resulted in duplication of effort.[296] Forum shopping was sometimes an issue as well. This made coordination through JA technical chains all the more important.[297]

Major Johnson, the TF CJA, summed up the lesson learned as follows:

> Failure to coordinate legal advice results in a duplication of effort and confusion among commanders and critical staff elements. Recommendation: Supporting command staff judge

[295] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

[296] Memorandum from MAJ Dale N. Johnson, Command Judge Advocate, Joint task Force Aguila, to CPT Drummond, J-5, Joint Task Force Aguila, subject: After Action review #5-Staff Judge Advocate (9 January 1999) (on file with CLAMO).

[297] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

> advocates should coordinate all legal advice affecting task force operations through the JTF CJA and keep him or her informed of any opinion rendered affecting the JTF. The JTF CJA should, in turn, update supporting staff judge advocates regarding those key legal issues that impact upon supporting commands. Supporting commanders and their staff must understand that the JTF has one legal advisor and the legal community must speak with one voice. This requires close coordination between attorneys.[298]

e. Check the TPFDL (Time Phased Force Deployment List).

There are many participants in an operation that are crucial to mission success. Judge advocates should carefully check the TPFDL (Time Phased Force Deployment List) for both JA deployment slots[299] and for other personnel critical to the legal mission:[300]

- Trial Defense Service[301]
- Civil Affairs
- Public Affairs
- Military Police[302]

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[298] Memorandum from MAJ Dale N. Johnson, Command Judge Advocate, Joint task Force Aguila, to CPT Drummond, J-5, Joint Task Force Aguila, subject: After Action review #5-Staff Judge Advocate (9 January 1999) (on file with CLAMO).

[299] Major Dale N. Johnson, *Joint Task Force Aguila: Legal Operations After Action Review (AAR)* (March 1999) (unpublished compilation, on file with CLAMO).

[300] *See e.g.* Email Message from CPT Scott Walters, Fort Benning, deployed to Nicaragua for Hurricane Mitch relief efforts, to CPT Tyler L. Randolph, Center for Law and Military Operations, subject: Hurricane Mitch AAR (20 Jan. 1999 12:09PM) (on file with CLAMO) (describing need for Military Police).

[301] See section *J. Military Justice* for a discussion of TDS requirements. One commander evacuated a potential defendant to Panama in order to ensure the soldier received proper legal advice prior to turning down an Article 15. See Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO). *See also* Email Message from CPT Scott Walters, Fort Benning, deployed to Nicaragua for Hurricane Mitch relief efforts, to CPT Tyler L. Randolph, Center for Law and Military Operations, subject: Hurricane Mitch AAR (20 Jan. 1999 12:09PM) (on file with CLAMO).

[302] "A platoon of MPs w[ith] some MPIs [Military Police Investigators] would have been quite helpful for traffic liaison/enforcement, accident investigations, criminal investigations, etc. [They] [w]ould have also been helpful to have them here when I was coordinating for Military Working D[og] (drug detection) support." Email Message from CPT Scott Walters, Fort Benning, deployed to Nicaragua for Hurricane Mitch relief efforts, to CPT Tyler L. Randolph, Center for Law and Military Operations, subject: Hurricane Mitch AAR (20 Jan. 1999 12:09PM) (on file with CLAMO) (describing need for Military Police); CPT Scott Walters, Task Force Nicaragua Judge Advocate, Address at the Center for Law and Military

- Contracting Officers and Ordering Agents (See section *D.7. Fiscal Law - Unauthorized Commitments*)
- Class A Agents for paying claims (See section *H.2. Who Pays*?)
- Linguists[303]

Equipment arrival must also be considered. Poor synchronization of equipment movement slowed the initial humanitarian response.

> The Reception, Staging, Onward Movement, and Integration (RSOI) process is just as applicable in humanitarian assistance operations as in wartime operations. The JTF must synchronize personnel and equipment flow to build humanitarian assistance capability as surely as a combat unit must build its "combat power" in a wartime contingency deployment.[304]

3. Conduct a predeployment training program.

One of the key issues on a short notice deployment, like Hurricane Mitch is predeployment training. Predeployment training consists of standard, mission-specific, and theater-specific training. Topics include, but are not limited to:

- Rules of Engagement
- Human Rights (a SOUTHCOM requirement in their AO)
- Force Protection and Terrorism
- Legal Assistance and preventive law instruction.
- Preventive fiscal and contract law instruction to prevent unauthorized commitments.

Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

[303] Linguists were needed, but unavailable throughout much of the JOA. Although many soldiers were able to speak Spanish, they often did not have the written or spoken proficiency necessary to consistently communicate with the host nation governments. Although the JTF requested linguists be deployed to support the operation, the request was not acted upon. See Joint Task Force Aquila Joint After Action Review, Observation #3 (Task Organization): Staffing of JTF Headquarters (1999) (on file with CLAMO). Judge advocates had some internal Spanish language capability. At least two JAs and two 71Ds spoke Spanish.

[304] Captain Leonel Nascimento (Military Analyst, U.S. Army Center for Lessons Learned, CALL), *Army Lessons Learned and Successful TTPs for Hurricane Mitch Humanitarian Assistance: JTF Commander's Initial Impressions* (1999).

Topics and content must be tailored to the audience. For example, preventive fiscal and contract law instruction is more appropriate for the commanders and staff than for all the ground soldiers. The level of training should also be adjusted based on the audience.

In mission-specific or theater-specific predeployment training, it is important to give soldiers an overall concept of the mission, operations and the commander's intent, and to put it all in context. An important part of context is instruction on the background of the area in which the soldiers will be working.[305] While not a JA responsibility, JAs can suggest such training. It was very helpful for our soldiers to have background information and historical context concerning the civil wars and insurgencies in Guatemala, El Salvador, and the complex relationship between Nicaragua and the U.S. Military Groups provided some briefings in country.

Not all soldiers arrive trained. Thus in-theater training was a continuous requirement. In-theater training allowed adaptation of generic predeployment training to "ground truth." In predeployment training of the troops, Major Johnson recommends: "Distill it to a 3x5 card: More is too much."[306]

4. Bring the resources, equipment and materials you will need into the theater.

Judge Advocates are often required to coordinate transportation, tentage, and supplies independently.[307] Integration with command, staff and appropriate headquarters units *now* is the solution for organic JAs. Non-organic JAs must develop a relationship with the company or camp commander, and provide a list of requirements. Do not expect your needs to be anticipated.

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[305] *See, e.g.*, MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[306] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[307] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

a. Vehicles

Lack of vehicles and transportation is always an issue for judge advocates. The legal mission demands the JA and the legal specialist be mobile. This was especially true in Hurricane Mitch, where legal coverage was limited to one to two JAs and one to two 71Ds per country. Added to this are the convoy and security restrictions that usually apply. In Nicaragua, driving and flying were only permitted in daylight. A minimum of two vehicles with armed guards were required for convoys. Thus prior coordination with the supported command for transportation support is critical.[308]

b. Communications

Hurricane Mitch validated the need for, and value of, the RDL.[309] Internet access was key during this operation.[310] The JAs in El Salvador had full Internet connectivity through a satellite feed in their GP-medium tent.[311] In Guatemala, however, they did not have Internet or Email access except through use of the Military Group's facilities at the U.S. Embassy. Communications were via tactical satellite for talking to aircraft and by cellular phone, though cost concerns limited their use.

Communications in short notice deployments to remote regions will initially be unreliable and scarce, especially in disaster relief operations where much of the host nation infrastructure will be damaged. This makes predeployment preparation of resources and references all the more critical. Information-packed CDs such as the U.S. Army Publication Agency's "Army Electronic Library" prove invaluable. Since the Hurricane Mitch operation the Center for Law and Military Operations has developed the *Deployed Judge Advocate Resource Library* CD-ROM with hundreds of

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[308] Note: There is doctrinal support, now, for judge advocates requesting vehicle support from units. *See* DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS, par. 4.4.2 (1 Mar. 2000).

[309] *See generally* DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS, pp. 4-26 – 4-28 (1 March 2000) (describes the Rucksack Deployable Law Office and its components).

[310] CPT Tiernan Dolan, Task Force El Salvador Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[311] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides and transcript on file with CLAMO).

documents in all six core legal disciplines. JAs are also encouraged to download JAGCNET databases from Lotus Notes to their hard drives or to CDs.

For the Hurricane Mitch relief effort, commercial cell phones and INMARSAT satellite voice communications systems provided initial communications links. Once on the ground, units of the 93d SIG installed, operated and maintained a wide range of services, linking the entire JOA of six different countries, including the United States and U.S. military installations in Germany and Panama. Services included both DSN and commercial phone lines; e-mail access, to include linking in to home station e-mail accounts; classified (SIPRNET) and unclassified (NIPRNET) access to the Internet; AUTODIN message traffic; and single and multichannel Tactical Satellite (TACSAT) capability.

Soldiers also distributed and installed over 300 tactical phones, some specifically for MWR calls, as well as over 70 miles of wire and cable. This resulted in complete communication connectivity throughout the JOA. In addition, each of the individual forward operating bases (FOBs) in Nicaragua had a manpack single channel single channel TACSAT providing continuous voice link with both Managua and the JTF Headquarters. Signal soldiers helped establish data links for several important military computer systems: The Army Medical Management System (TAMMS); the Standard Army Retail Supply System – Objective (SARSS-O); and the Enhanced Deployable Imagery Product Archive (EDIPA).[312]

> Bottom line – the soldiers of the 93d Signal Brigade made communications seamless and transparent for the JOA. There was little if any disruption during the entire operation. Their hard work made many other service members' jobs a lot easier and set the stage for Operation Fuerte Apoyo's success.[313]

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[312] CPT Timothy M. Gilhool, U.S. Army, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

[313] CPT Timothy M. Gilhool, U.S. Army, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

c. Resources and References

At a minimum, deploying judge advocates should deploy with RDLs, the Operational Law Handbook, and the Center for Law and Military Operation's *Deployed Judge Advocate Resource Library* on CD-ROM. To be fully prepared, the JA should prepare a ready-to-go "battle box" of materials, references and resources that needs only the addition of mission-specific or theater-specific materials. See *Appendix K-6: Sample Predeployment Checklist*.

> No single individual can be expected to have experience in all the types of legal issues that will arise during a deployment. Deployed attorneys must use resources that give access to information required in order to render cogent legal opinions.[314]

Theater-specific materials include status of forces agreements (SOFAs), diplomatic notes (DIPNOTES), local regulations and policies, e.g. SOUTHCOM's Human Rights Regulation, and more. Prior to deploying, attorneys should contact the Office of the Staff Judge Advocate (OSJAs) that includes the deployment area as part of its normal area of operations. Deploying attorneys should also obtain points of contact for all MILGROUPS, embassy political officers, and OSJAs in the operating areas, telephone and personnel directories for the JAGC and the AO's major commands, the Center for Law and Military Operations, and other resources.

5. Personnel Transition

At any point during an operation, a JA may have to conduct a "battle handoff" of duties to another JA or legal specialist. This can arise due to rotation of personnel, the need for the JA to temporarily deploy to another part of the AO, or other reasons. It is important to maintain a good log and

[314] Memorandum from 1LT Mark W. Hannig, Judge Advocate, Task Force Aguila, to Staff Judge Advocate, I Corps and Fort Lewis, subject: After Action Review for JAGC Work During Joint Task Force-Aguila (JTF-A)—Redeployment (27 January 1999) (on file with CLAMO).

filing system.[315] This was particularly true for claims files, justice issues, contracts and contract closeouts.[316]

6. Redeployment

The legal support plan must be continually reassessed and modified in light of changing circumstances. Redeployment of JAs is not necessarily directly related to redeployment of the task force main body. Closing out contracts, real estate, disposition of property, and other legal issues often necessitate leaving a JA in place after the main body redeploys.[317]

U.S. Forces completed all engineer and medical projects by the second week of February 1999. The JTF executed a methodical step-down redeployment, initially closing down operations in Guatemala, then El Salvador (minus the JTF Headquarters), followed by Nicaragua. Task Forces stood down and reverted back to control of JTF Bravo in Honduras as they completed their projects. JTF-Nicaragua completed its last project, the medical clinic at Wiwili, on 10 February 1999 and completed its convoys to Puerto Corinto on 19 February 1999. Control of all of the countries in the JOA was formally transferred on 20 February 1999. Service members and units of Joint Task Force Aguila returned to their respective duty stations by 26 February 1999.[318] The JTF Command Judge Advocate, Major Dale Johnson, and Task Force Nicaragua Judge Advocate, Captain Scott Walters, redeployed on or about 22 February. (See *Appendix K-4: Army JA Deployment Timeline*.)

The JTF commander wisely started planning for redeployment before the first thirty days of deployment had passed. He made use of the DJTFAC's last five days on the ground and directed them to plan the

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[315] Major Dale N. Johnson, Joint Task Force Aguila: Legal Operations After Action Review (AAR) (March 1999) (unpublished compilation, on file with CLAMO).

[316] MAJ Dale N. Johnson, Joint Task Force Aguila Command Judge Advocate, Address at the Center for Law and Military Operation's Hurricane Mitch After Action Review (Apr. 23-24, 1999) (Power Point slides on file with CLAMO).

[317] Major Dale N. Johnson, Joint Task Force Aguila: Legal Operations After Action Review (AAR) (March 1999) (unpublished compilation, on file with CLAMO).

[318] CPT Timothy M. Gilhool, U.S. Army, *Strong Support and Expeditionary Standards: A Brief History of Joint Task Force Aguila During Operation Fuerte Apoyo, 7 November 1998 – 22 February 1999* (February 1999) (on file with CLAMO).

redeployment.[319] Judge advocates should also consider redeployment when handling legal issues to ensure appropriate provisions are written into real estate leases, land use agreements, and contracts for eventual close out.

[319] CPT Leonel Nascimento (Military Analyst, U.S. Army Center for Lessons Learned, CALL), *Army Lessons Learned and Successful TTPs for Hurricane Mitch Humanitarian Assistance: JTF Commander's Initial Impressions* (1999).

L. RESERVE COMPONENTS

This section highlights contributions made and important lessons learned by reserve units and reserve judge advocates. The Center encourages submission of materials and after action reviews by reserve judge advocates.

1. Outline of the Operations

> *I'd like to point out that this has been a great effort between the Guard, the Reserve, and the active duty force…"*
>
> Capt. Mike Doubleday, USN, DASD (PA)[320]

There were three phases of the humanitarian assistance and disaster relief operations for Hurricane Mitch. Reserve—Army (USAR) and Air Force (USAFR), and National Guard (NG)—Army (ARNG) and Air (ANG) units participated throughout the relief effort. Their role and responsibilities increased through the phases.

a. Phase I: The Emergency Phase

The emergency assistance phase started during the storm and ran through 28 November 1998. During and immediately after Hurricane Mitch, CINCSOUTH relied primarily upon Active Component (AC) Forces for ground operations during the emergency phase of the disaster relief response plan. Joint Task Force Bravo (JTF-Bravo) was based out of Soto Cano Airbase in Honduras, which became the anchor point for operations in Central America.[321] This phase involved primarily life saving missions and the emergency delivery of supplies and medical assistance.

Transportation, however, was largely a Reserve Component (RC) operation. U.S. military C-130, C-141, C-17 and C-5 transport aircraft, primarily from the AFR and ANG, were the primary carriers.[322]

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[320] News Briefing, Captain Mike Doubleday, USN, DASD (PA), U.S. Dep't of Defense (10:35 a.m., Nov. 25, 1998).

[321] News Briefing, Captain Mike Doubleday, USN, DASD (PA), U.S. Dep't of Defense (10:35 a.m., Nov. 25, 1998).

[322] News Briefing, Captain Mike Doubleday, USN, DASD (PA), U.S. Dep't of Defense (10:35 a.m., Nov. 25, 1998).

By 25 November 1998, these Reserve units provided transport of over two and a half million pounds of food, almost a thousand pounds of urgently needed medical supplies, approximately 70,000 gallons of bottled water, and 70% of the U.S. national inventory of iodine tablets. These operations lifted a total of 2,013 short tons of cargo through 28 November 1998.[323]

b. Phase II: The Rehabilitation Phase

Phase II, the Rehabilitation Phase, commenced 28 November 1998 and ended on 20 February 1999. This second phase focused on infrastructure repairs required to re-establish the capabilities of the nations themselves to provide essential support and health services to the indigenous population. Not necessarily permanent and long-standing, these were immediate projects designed to assist the population in providing for their own health and basic needs. A second joint task force, Joint Task Force Aguila (JTF Aguila), was established at Comalapa Air Base, near the capital of El Salvador. This second task force assisted El Salvador, Guatemala and Nicaragua and left JTF Bravo to focus exclusively on Honduras, which was hardest hit by this disaster.

There was a significant increase in the number of forces, approximately 5,700 troops for Phase II. These troops came from all four branches of the armed forces, drawn almost exclusively from CONUS, with a mixture of active component, NG and USAR troops. The majority of forces arrived by the end of the first week of December, 1998. About eighty C-141 equivalent airlifts transported the troops and designated equipment into the region. Most of these assets, particularly the engineers and their equipment, required to affect the repairs to the infrastructure, went by sea in four Military Sealift missions. The aviation component grew from 39 to 59 aircraft with additional aircraft coming from the United States. Four intra-theater aircraft were added to the inventory on the ground in Central America.[324]

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[323] News Briefing, Captain Mike Doubleday, USN, DASD (PA), U.S. Dep't of Defense (10:35 a.m., Nov. 25, 1998).

[324] News Briefing, Captain Mike Doubleday, USN, DASD (PA), U.S. Dep't of Defense (10:35 a.m., Nov. 25, 1998).

c. Phase III: The Restoration Phase (Expanded NEW HORIZONS)

The concept for Phase III, the restoration phase, was to continue the assistance through one of the on-going engagement programs, the "NEW HORIZONS (NH)" (NUEVOS HORIZONTES) series of exercises.[325] This phase was designed to complement the U.S. government's efforts to work on the long-term and more permanent infrastructure. Phase III was conducted from February 1999, through September 1999.

This last phase expanded the execution of the NUEVOS HORIZONTES series of programs, which had already been a major part of the SOUTHCOM's regional engagement program. These exercises have taken place in Latin America, under SOUTHCOM, for 15 years and were formerly called Blazing Trails and later Fuertes Caminos.[326]

NEW HORIZONS (NH) started as Army-only exercises for the ARNG and USAR, and evolved over the years as total force exercises to provide trained and ready soldiers, airman, sailors, and Marines. The exercises were conducted for training purposes. Infrastructure rehabilitation and development was incidental to the training taking place during the exercises. During the previous 15 years, more than 150,000 RC soldiers participated in this series of exercises, most during their two-week annual training periods. This exercise concept became an important tool in CINCSO's regional engagement strategy.[327] Task-organized around engineer and medical training missions, the exercises have significant logistical, communications, aviation, transportation, water production, and force protection elements. Each year, the ARNG and the USAR led two exercises each.

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[325] Briefing, Colonel Clyde Vaughn, Chief, Operations Division, Army National Guard, *Overseas Deployment Training—ARNG & USAR Response to Hurricane Mitch/Georges – Related Relief Efforts ("expanded" NEW HORIZONS Exercises – ENH)* (Aug. 19, 1999).

[326] Briefing, Colonel Clyde Vaughn, Chief, Operations Division, Army National Guard, *Overseas Deployment Training—ARNG & USAR Response to Hurricane Mitch/Georges – Related Relief Efforts ("expanded" NEW HORIZONS Exercises – ENH)* (Aug. 19, 1999).

[327] Briefing, Colonel Clyde Vaughn, Chief, Operations Division, Army National Guard, *Overseas Deployment Training—ARNG & USAR Response to Hurricane Mitch/Georges – Related Relief Efforts ("expanded" NEW HORIZONS Exercises – ENH)* (Aug. 19, 1999).

Scheduled for FY99 prior to Hurricanes Mitch and Georges, New Horizons was to be a Total Army exercise. These included an ARNG-led exercise in Honduras, and an USAR-led exercise in Guatemala. The ARNG took the lead for JTF Lempira in Honduras and the USAR had the lead for JTF San Marcos in Guatemala.

Faced with the aftermath of Hurricane Mitch, the Honduran Government requested a change in the exercise areas from Lempira (in the southwest) to Valle de Sula (in the North). In addition, five new exercises and a Forward Control Element were added to the NH program.[328] These exercises became known as EXPANDED NEW HORIZONS (ENH).

Of the approximately 22,500 RC soldiers, sailors, airmen, and Marines employed in EXPANDED NEW HORIZONS, most came from the Army reserve components.[329] The RC soldiers came from over 41 states and 236 units (126 ARNG; 110 USAR). More than 20,500 personnel (12,600 ARNG; 7,700 USAR) trained in Latin America and the Caribbean. During ENH, they constructed 31 schools, nine clinics, one community center, 22 wells, and six bridges. They also repaired 175 kilometers of road and two dikes, and conducted 28 medical exercises.[330] Engineers re-channeled a riverbed and built an emergency run-off channel.[331]

Medical readiness exercises occurred at 13 locations in four provinces. Medical and veterinary personnel screened and treated 70,078 patients and over 20,000 animal patients during the seven-month period of the exercises. The majority of human ailments involved upper respiratory infections, parasites, skin conditions and dental needs. Veterinary specialists assisted El Salvadorans in treating livestock and using better management practices.

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[328] Information Paper, Lieutenant Colonel James Kish, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999); *see also* Information Paper, Major Glenn Hagler, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999).

[329] Briefing, Colonel Clyde Vaughn, Chief, Operations Division, Army National Guard, *Overseas Deployment Training—ARNG & USAR Response to Hurricane Mitch/Georges – Related Relief Efforts ("expanded" NEW HORIZONS Exercises – ENH)* (Aug. 19, 1999).

[330] Briefing, Colonel Clyde Vaughn, Chief, Operations Division, Army National Guard, *Overseas Deployment Training—ARNG & USAR Response to Hurricane Mitch/Georges – Related Relief Efforts ("expanded" NEW HORIZONS Exercises – ENH)* (Aug. 19, 1999).

[331] Staff Sgt. Steven R. Wolf, 561st Corps Support Group and Joint Task Force New Hope – El Salvador, *New Horizons Exercise Wraps up in Central America - The View From Joint Task Force New Hope in El Salvador* (*revised* Sep. 22, 1999, OCAR, Pentagon, Email: webmaster@ocar.army.pentagon.mil).

Other Army Reserve soldiers deploying to Central America came from supply, maintenance, military police, public affairs, water purification, civil affairs and other combat support/combat service support units. Supporting this intensive activity behind the scenes were automated logistics specialists, mechanics, drivers, cooks, communications specialists, water purification specialists, military police and a bath and laundry unit.[332]

Training benefits derived from the conduct of these events directly improve the readiness of our engineers, logisticians, communicators, military police, transportation elements, aviators, medical personnel and linguists, as well as providing a valuable tool to exercise the mobilization capabilities of the State Area Coordinators (STARC) staffs and Continental United States Army (CONUSAs).[333] 13,100 ARNG soldiers[334] and 7,700 Reserve soldiers assisted with Hurricane Mitch relief efforts in Guatemala and El Salvador during EXPANDED NEW HORIZONS.[335]

> *It is a great idea (training in El Salvador). We get to do our mission and completely set up all of our equipment normally assigned to us, while at the same time we help the people of El Salvador. This is the most productive annual training I have ever had with this unit. I have learned more about overcoming problems including fixing all of our equipment.*
>
> SFC David Roe, the rotation NCOIC, 89th RSC's 1013th Quartermaster Company, North Platte and McCook, NE.[336]

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[332] Staff Sgt. Steven R. Wolf, 561st Corps Support Group and Joint Task Force New Hope – El Salvador, *New Horizons Exercise Wraps up in Central America - The View From Joint Task Force New Hope in El Salvador* (*revised* Sep. 22, 1999, OCAR, Pentagon, Email: webmaster@ocar.army.pentagon.mil).

[333] Information Paper, Lieutenant Colonel James Kish, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999); *see also* Information Paper, Major Glenn Hagler, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999).

[334] Information Paper, Lieutenant Colonel James Kish, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999); *see also* Information Paper, Major Glenn Hagler, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999).

[335] Briefing, Colonel Clyde Vaughn, Chief, Operations Division, Army National Guard, *Overseas Deployment Training—ARNG & USAR Response to Hurricane Mitch/Georges – Related Relief Efforts ("expanded" NEW HORIZONS Exercises – ENH)* (Aug. 19, 1999).

[336] Staff Sgt. Steven R. Wolf, 561st Corps Support Group and Joint Task Force New Hope – El Salvador, *New Horizons Exercise Wraps up in Central America - The View From Joint Task Force New Hope in El Salvador* (*revised* Sep. 22, 1999, OCAR, Pentagon, Email: webmaster@ocar.army.pentagon.mil).

There were a total of seven EXPANDED NEW HORIZONS exercises and a Forward Command Element (FCE).[337]

(1) NH Honduras-01 (NH99HO-01, 13 Feb thru 8 May 1999, with redeployment completed 20 June 1999) (JTF Sula)

This was the original exercise (JTF Lempira-NH99HO) planned for execution over an 18-month window. This exercise was relocated into the devastated Sula Valley, hence the task force name, JTF Sula. Consisting of soldiers from 25 ARNG units from 18 states, the majority were from South Carolina, Alabama, and Mississippi. Their mission was to construct four schools, three clinics, one public latrine, and four wells, conduct three medical exercises, and make road improvements within their operational area. Nearly 3,000 ARNG soldiers were directly trained during six rotations.

(2) NH Honduras-02 (NH99HO-02, 21 Feb thru 8 Aug 1999, with redeployment completed by 22 Aug 1999) (JTF Aguan Arrow)

One of the objectives was to rapidly deploy another Task Force into Honduras to provide a seamless transition between the Active Forces deployed for the rehabilitation effort, in Phase II, and the RC forces deployed for the Restoration Phase. JTF Aguan deployed rapidly to the Aguan valley in Honduras, an area well known to thousands of RC soldiers, sailors, airmen and marines due to previous exercises in that area from 1985 through 1992. This was CINCSOUTH's highest priority add-on exercise. This exercise was conceived, planned, and launched in less than 60 days in response to General Wilhelm's request. Louisiana and Missouri were selected to lead this critical effort because of their recent and vast experience in the region. Centered in the Aguan River valley, one of the hardest hit areas within Honduras, the mission focused on repair or reconstruction of five bridges, nine culvert crossings, and 125km of road repair, as well as

[337] Information Paper, Lieutenant Colonel James Kish, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999); *see also* Information Paper, Major Glenn Hagler, NGB-ARO-Y, subject: ARNG Participation in NEW HORIZONS (2 Apr. 1999).

construction of two schools, two clinics, and six wells, and conducting three medical exercises. Nearly 4,000 ARNG soldiers were trained as part of twelve rotations.

(3) NH Guatemala 99-I (NH99GT-01, 8 Feb thru 5 Jun 1999, with redeployment completed 16 Aug 1999) (JTF San Marcos)

This was one of the original NH exercises and remained unchanged. The original NH exercise (JTF San Marcos) became NH Guatemala 99-I and was expanded into NH Guatemala 99-II (JTF Montagua). USAR had the lead for the Guatemala Exercises. The Guatemala Exercises consisted of a total of eight rotations, four during NH Guatemala 99-I and four during NH Guatemala 99-II (JTF Montagua). NH Guatemala 99-I consisted of 11 projects: one base camp, three Medical Readiness Training Exercises (MEDRETES), two fresh water wells and five three-room schools. Eighteen units from nine states were involved.[338]

(4) NH Guatemala 99-II (NH99GU, 15 May thru 9 Aug 1999, with redeployment completed 16 Aug 1999) (JTF Montagua)

NH Guatemala 99-II consisted of a total of four rotations and 18 projects: one base camp upgrade, one river crossing operation, four dike repairs, five MEDRETES, one bridge repair, two fresh water wells and three three-room schools, and the construction of three low water crossings. Forty-eight units from 24 states and one territory were involved.[339] The ARNG provided helicopter support (six UH-60 helicopters and crews).

[338] Briefing, U.S. Army Reserve Command (USARC) Semi-Annual Historical Report (USARC DSCOPS) (9 Feb. 1999) (Period Covered: 1 Jan. 1999 to 30 Jun. 1999).

[339] Briefing, U.S. Army Reserve Command (USARC) Semi-Annual Historical Report (USARC DSCOPS) (9 Feb. 1999) (Period Covered: 1 Jan. 1999 to 30 Jun. 1999).

(5) NH El Salvador (NH99ES, 30 Mar thru 16 Aug 1999, with redeployment completed 16 Aug 1999) (JTF New Hope)

The ARNG provided helicopter support (three UH-1 helicopters and crews). USAR had the lead for the El Salvador Exercise. NH El Salvador consisted of 20 projects: one base camp, four culverts and/or bridges, five road fill projects, five MEDRETES, one potable water well and four three-room schools. Thirty-seven units from 20 states and one territory were involved.[340]

(6) NH Nicaragua (NH99NU, 17 Apr thru 4 Sep 1999, with redeployment completed XX 1999) (JTF Esteli)

The Ohio National Guard led JTF Esteli. A total of seven states, 15 ARNG units and over 2,000 ARNG soldiers participated. During this exercise the JTF constructed three school and three clinics, drilled four wells, and conducted five medical readiness training exercises. Originally to be supported by an AC element, the requirement shifted to the RC in mid-February 1999. The ARNG was augmented by an engineer battalion from the USMCR for horizontal construction. The exercise provided training for 2,300 ARNG soldiers. USAR conducted three MEDRETES (175 personnel during five rotations)—five units from four states, and provided an MP Company (70 personnel), a Quartermaster Battalion (CSB), a Quartermaster Detachment (water purification) and a Quartermaster Supply Company.[341]

(7) NH Dominican Republic (NH99DR, 2 Apr thru 6 Aug 1999, with redeployment completed by 20 Aug 1999) (JTF Caribbean Castle)

This exercise was requested by General Wilhelm in response to the effects of Hurricane Georges. This exercise was conceived, planned, and launched in 100 days. The Alabama ARNG was selected to lead this effort. Mission focus was vertical construction of eight schools, replacement of a bridge, and the conduct of three medical exercises. The ARNG was

[340] Briefing, U.S. Army Reserve Command (USARC) Semi-Annual Historical Report (USARC DSCOPS) (9 Feb. 1999) (Period Covered: 1 Jan. 1999 to 30 Jun. 1999).

[341] Briefing, U.S. Army Reserve Command (USARC) Semi-Annual Historical Report (USARC DSCOPS) (9 Feb. 1999) (Period Covered: 1 Jan. 1999 to 30 Jun. 1999).

augmented by an Engineer Battalion from the USMCR for the bridge project. Nearly 3,000 ARNG soldiers were trained during nine rotations. USAR conducted 2 MEDRETES and deployed 70 soldiers—four units from two states and one territory.[342]

(8) Forward Command Element (FCE) (13 Mar thru 1 Sep 1999, with redeployment to be completed by 20 Sep 1999)

During Phases I and II, JTF-Aquila provided command and control (C2) for U.S. forces in El Salvador, Guatemala, and Nicaragua. For Phase III, CINCSOUTH requested a RC Forward Command Element (FCE) for these same countries. This command cell was formed to meet the increased need for oversight in the Central American region due to the number and complexity of the exercises conducted. The Ohio ARNG had the lead and provided the FCE Commander, Brigadier General James Caldwell, with an USAR Colonel as the Deputy. A 117-person, multi-component command and control (C2) headquarters element, of which 100 were ARNG & USAR, the task force deployed on 13 March (via ANG C-130) to Soto Cano AB, Honduras.

The FCE Commander reported directly to CINCSO. The focus for the FCE was sustained C2 over the ongoing exercises. Embedded within the FCE was an Army aviation section with fixed wing capability (three C-23s, one C-12). Staffing for the FCE was split between the RC. One Naval Reserve unit also deployed with the FCE. ARNG-helicopter support was provided to the two USAR-led exercises in Guatemala (six UH-60 helicopters and crews) and one USAR-led exercise in El Salvador (three UH-1 helicopters and crews).

2. Reserve Component-Unique Lessons Learned.

JAs should be involved in all phases of operations, including the planning phase. JAs must be proactive in all six core legal disciplines. The experience of the JA officers deploying for the New Horizons exercises was that, while conscientious and proficient with the Uniform Code of Military Justice (UCMJ) and report of survey issues, the JAs were challenged by operationally unique issues. Thus USAR and ARNG JAs must ensure they

[342] Briefing, U.S. Army Reserve Command (USARC) Semi-Annual Historical Report (USARC DSCOPS) (9 Feb. 1999) (Period Covered: 1 Jan. 1999 to 30 Jun. 1999).

have the training, resources, and reach back capability required in today's legally complex operations.

a. Reserve JAs will be required to provide support in all core legal disciplines. [343]

(1) Military Justice

(a) The Reserve JA must be familiar with the UCMJ.

ARNG JAs will be expected to be familiar with the UCMJ and the permissible punishments. As most ARNG JAs commonly deal with military justice under their respective state military codes, the ARNG JA needs to be familiar with the provisions of the UCMJ and be prepared to assist in the administration of a variety of military justice issues. For example, among the various actions which Hurricane Mitch presented were Article 15s for violations of Articles 89, 92, 112a, and 128.[344]

(b) The Reserve JA must advise Commanders on military justice jurisdiction.

The administration of military justice will cross component lines. The Reserve judge advocate must understand that all soldiers, when OCONUS, are subject to the UCMJ and military discipline may be imposed by the commanding officer, whether National Guard, Reserve or Active. The Reserve JA must be prepared to advise commanders regarding the extent of their authority for military justice issues. Commanders, whether Reserve or Active, may not be aware that they have jurisdiction over soldiers within the chain of command. The extent of UCMJ authority was not clearly defined and identified for the FCE commander or the various TF commanders.

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[343] *See* DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS (1 Mar. 2000). The six core legal disciplines are administrative law, civil law, claims, international law, legal assistance and military justice. The three legal functional areas are command and control, sustainment, and personnel service support (or support, for short). The practice of operational law consists of legal services that *directly* affect the *command and control* and *sustainment* of an operation.

[344] Email Message from Colonel John Brant, Ohio Army National Guard, to Lieutenant Colonel Gordon W. Schukei, Director, Domestic Operations Law, CLAMO, subject: AAR TF-Esteli (9 Mar. 2000 9:44 p.m.) (on file with CLAMO).

Lack of understanding of jurisdictional authorities could lead to a number of individuals avoiding appropriate disciplinary action. Significant confusion existed in this area until late in the operation.[345] For example, an ARNG Commander was under the impression that he was not allowed to take any military justice action, including imposition of non-judicial punishment ("Article 15s"), against any active duty or USAR soldiers under his command.[346] After conducting further research, the JA advised the Commander that he had military justice jurisdiction over any soldier under his command.

Further complicating military justice issues will be the deployment orders for personnel. Some personnel reported with orders indicating they were attached to USARSO for UCMJ and administrative action requiring approval by a convening authority.[347] The JA may also have to address claims of non-jurisdiction by other Services. As an example, several Marine detachment commanders, whose units were serving in the task forces, asserted exemption from UCMJ authority of the TF commanders.[348]

(c) The Reserve JA should be aware of any authority that has been withheld from the Commanders.

Commanders may not be aware that their authority to impose military justice has been withheld by a higher authority. In one instance, a Commander wanted to administer a summary court-martial to a soldier for

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[345] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[346] Memorandum from Colonel Thomas G. Schumacher, HQ STARC, Ohio Army National Guard, to Lieutenant Colnel Gordon Schukei, Director for Domestic Operations, JAG School, subject: JAG Support in Nicaragua 1999 (attachment to Email Message from Colonel Thomas Schumacher, Ohio Army National Guard, to Lieutenant Colonel Gordon W. Schukei, Director, Domestic Operations Law, CLAMO, subject: JAG Involvement in Nicaragua – 1999 (24 Feb. 2000 9:16 a.m.) (on file with CLAMO).

[347] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[348] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

ordering the dispatch of a deadlined vehicle.[349] The truck had been deadlined because it had no brakes. The truck was being driven from the base camp at San Ramon to the construction site at Plantanares, when the brakes failed as the truck was going down a mountain road and overturned. The JA assisted in interviewing soldiers, one of whom was the dispatcher. The commander did not have the authority to refer the case. SOUTHCOM had withheld summary court-martial jurisdiction, but the Commander was not aware of this.

(2) Administrative and Civil Law

As the only available legal adviser, the Reserve JA can expect to address a variety of issues. Personnel issues are common. The JA may also be expected to address a variety of administrative law issues, such as MWR operations.[350]

As addressed in *Section D. Fiscal Law*, fiscal law and procurement issues are a significant and frequent area of concern for deployed JAs. Often Reserve JAs are not familiar with these issues.[351] An indication of the importance of the issue is the large number of ratification actions initiated and processed prior to return to home station.[352] Among the fiscal law/procurement issues, the JA may face non-competitive awards, conflicts of interests, such as contract awards to family members, and ratification actions.[353] The JA may also be requested to review contract files to identify

[349] Memorandum from Colonel Thomas G. Schumacher, HQ STARC, Ohio Army National Guard, to Lieutenant Colnel Gordon Schukei, Director for Domestic Operations, JAG School, subject: JAG Support in Nicaragua 1999 (attachment to Email Message from Colonel Thomas Schumacher, Ohio Army National Guard, to Lieutenant Colonel Gordon W. Schukei, Director, Domestic Operations Law, CLAMO, subject: JAG Involvement in Nicaragua – 1999 (24 Feb. 2000 9:16 a.m.) (on file with CLAMO).

[350] Email Message from Colonel John Brant, Ohio Army National Guard, to Lieutenant Colonel Gordon W. Schukei, Director, Domestic Operations Law, CLAMO, subject: AAR TF-Esteli (9 Mar. 2000 9:44 p.m.) (on file with CLAMO).

[351] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[352] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[353] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After

remaining tasks and to compile a list of purchased materials.[354] Fiscal and procurement issues continue at home station as each task force closes out their contracts and accounts.[355]

Judge advocates must proactively monitor land use agreements and leases. See *Section G.3. Real Estate*. As the New Horizons operation began to wind down, the FCE required each task force to turn in documents for inclusion into the master archives. Among the requested documents were copies of land use agreements for the various projects.[356] Unfortunately, few land use agreements had been negotiated and reduced to writing. Apparently there was no JA involvement in initial land use issues.[357]

(3) Legal Assistance

Legal assistance issues for RC soldiers are varied, but likely to be of a recurring nature. Reemployment and Soldiers and Sailors Civil Relief Act (SSCRA) issues are sure to surface. RC JAs should be become familiar with the SSCRA. For example, soldiers can typically experience reemployment problems, child support problems, and termination of apartment leases because of military service commitments.[358]

Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[354] Email Message from Colonel John Brant, Ohio Army National Guard, to Lieutenant Colonel Gordon W. Schukei, Director, Domestic Operations Law, CLAMO, subject: AAR TF-Esteli (9 Mar. 2000 9:44 p.m.) (on file with CLAMO).

[355] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[356] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[357] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

[358] Email Message from Colonel John Brant, Ohio Army National Guard, to Lieutenant Colonel Gordon W. Schukei, Director, Domestic Operations Law, CLAMO, subject: AAR TF-Esteli (9 Mar. 2000 9:44 p.m.) (on file with CLAMO).

b. Logs and continuity files are essential for JA transitions.

The Reserve JA may be isolated and without the opportunity for an adequate briefing on issues in the deployed area. It is not unusual for a unit to be without a legal advisor, and the Reserve JA should be prepared to arrive without any overlap in legal services. The JA should also be prepared to address more than one core legal discipline. Military justice may be only one of a number of varied issues, and the Reserve JA can expect to assist in a manner similar to a general practice of military law. As an illustration, the JA support at the FCE at Soto Cano Air Base, Honduras, was not continuous. Due to a one-month gap between JAs, there was no transition between the incoming and outgoing JAs.[359] Therefore good logs and continuity files are essential to seamless transition of legal services.

c. Summanry.

Reserve Component JAs deploy frequently, and their contributions are extensive. When deployed, they can expect to operate in legally complex environments. RC JAs must train in all six core legal disciplines[360] and be familiar with both RC and AC issues if they are to be prepared for deployment.

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[359] Memorandum from Lieutenant Colonel B. Kevin Bennett, Ohio Army National Guard, AGOH-HRO-LR, to Lieutenant Colonel Gordon Schukei, Director for Domestic Operations, JAG School, subject: After Action Report, Operation New Horizons, Forward Command Element Legal Operations (7 Mar. 2000) (on file with CLAMO).

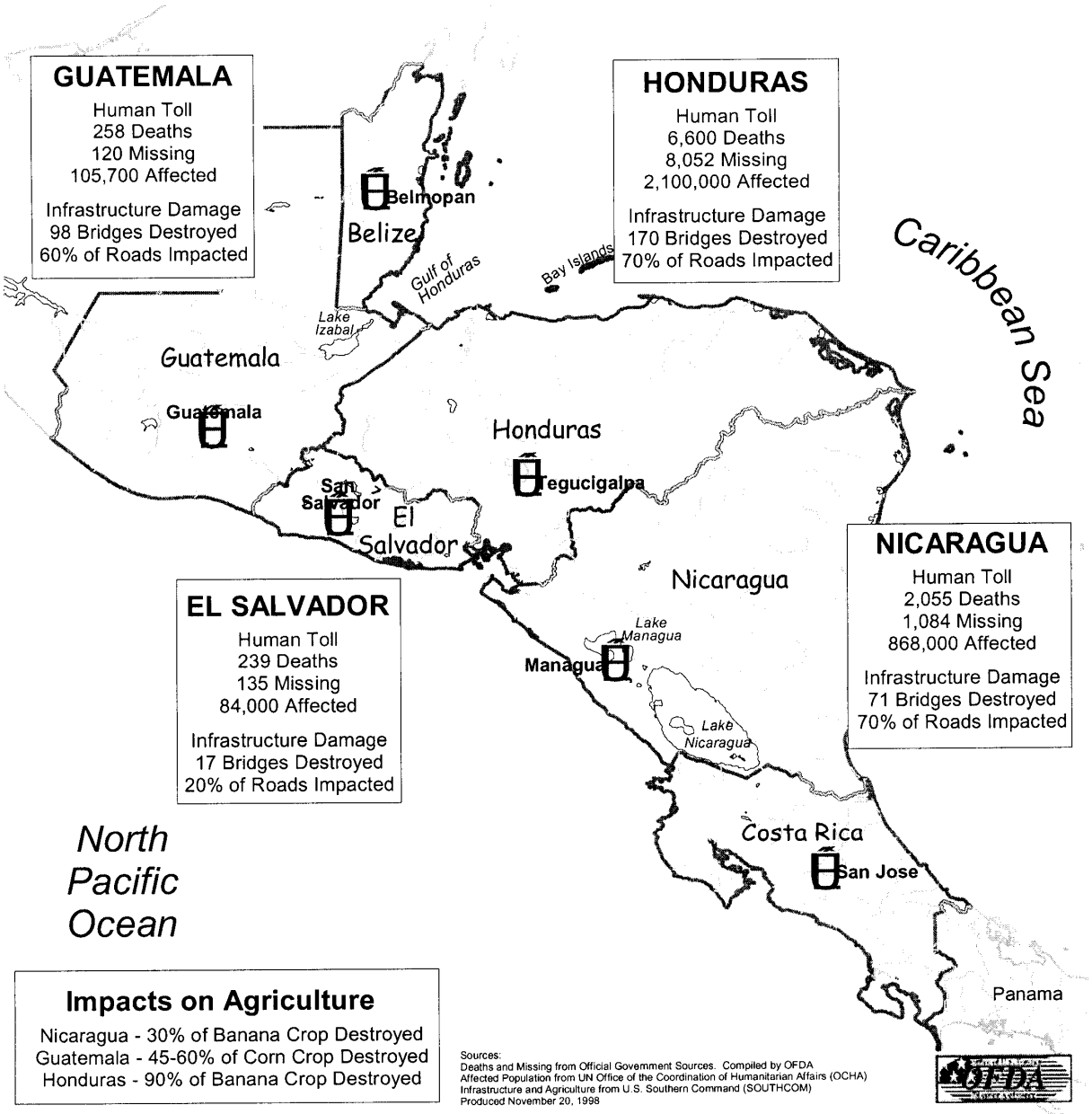
[360] DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS, par. 4.4.2 (1 Mar. 2000).

APPENDICES

APPENDIX INTRO-1: EFFECTS OF HURRICANE MITCH

Effects of Hurricane Mitch

October - November, 1998



APPENDIX INTRO-2: DEPLOYMENT ORDER

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OTTUZYUW RUEKJCS7037 3091627-UUUU--RUEKAMH.
ZNR UUUUU
O P 052023Z NOV 98
FM CJCS WASHINGTON DC
TO RUEADWD/CSA WASHINGTON DC
RUMIAAA/USCINCSO MIAMI FL
RUCJAAA/USCINCSOC MACDILL AFB FL
RUCBACM/CINCUSACOM NORFOLK VA
RHCUAAA/USCINCTRANS SCOTT AFB IL
RUEANEA/CDRUSACE WASHINGTON DC //CECS-OC//
INFO RHEHWSR/WHITE HOUSE SITUATION ROOM WASHINGTON DC
RUEHC/SECSTATE WASHINGTON DC//INL/ARA//
RUEKJCS/SECDEF WASHINGTON DC//USDP:DSAA/USDP:ISA/
    ASD:PA/ASD(SOLIC)//
RUENAAA/CNO WASHINGTON DC
RUEAHQA/CSAF WASHINGTON DC
RUEACMC/CMC WASHINGTON DC
RULSJGA/COMDT COGARD WASHINGTON DC
RUMIFCP/CDRUSARSO SIMS FT CLAYTON PM //SOCS/SOOP//
RUCJHWD/24WG CP HOWARD AFB PM
RUERFCP/COMSOCSOUTH COROZAL PM//SOCSO-J3/SOCSO-J5//
RUVMDBC/USSOUTHAF DAVIS MONTHAN AFB AZ//SCX//


PAGE 02 RUEKJCS7037 UNCLAS
RUCBACM/CINCUSACOM NORFOLK VA//J1/J3/J4//
RUMIAAA/USCINCSO MIAMI FL//J3-CAT/J3/JOIC//
RUMIAGB/CDRJTF-B SIMS SOTO CANO HO
RUEAFOC/AFOC WASHINGTON DC
RUEADLA/DLA FT BELVOIR VA
RUEHGT/USMILGP GUATEMALA CITY GT
RUEHBE/CHUSMLO BELIZE CITY BH
RUEHTG/USMILGP TEGUCIGALPA HO
RUEHMU/USDAO MANAGUA NU
RUEHSN/USDAO SAN SALVADOR ES
RUEHGT/AMEMBASSY GUATEMALA CITY GT
RUEHTG/AMEMBASSY TEGUCIGALPA
RUEHBE/AMEMBASSY BELIZE CITY
RUEHMU/AMEMBASSY MANAGUA
RUEHSN/AMEMBASSY SAN SALVADOR
BT
UNCLAS SECTION 01 OF 02
MSGID/ORDER/CJCS//
REF/A/GENADMIN/USCINCSO/050115ZNOV98/-/NOTAL//
AMPN/REQUEST FOR DEPLOYMENT ORDER IN SUPPORT OF HURRICANE MITCH


PAGE 03 RUEKJCS7037 UNCLAS
DISASTER RELIEF OPERATIONS//
ORDTYP/DEPLOYORD/CJCS//
TIMEZONE/Z//
NARR/THIS IS A DEPLOYMENT ORDER.  SECDEF HAS DIRECTED DEPLOYMENT OF
FORCES TO SUPPORT HURRICANE MITCH DISASTER RELIEF OPERATIONS IN THE
USSOUTHCOM AOR.//
GENTEXT/SITUATION/
```

1. HURRICANE MITCH STRUCK THE CENTRAL AMERICAN REGION FOR TEN DAYS CAUSING EXTENSIVE FLOODING AND MUDSLIDES. THE COUNTRIES MOST SERIOUSLY AFFECTED, HONDURAS, NICARAGUA, AND GUATEMALA, HAVE OVER TWO MILLION DISPLACED PEOPLE AND SIGNIFICANT INFRASTRUCTURE DAMAGE. USCINCSO REQUESTS (REF A) DEPLOYMENT AND PREPARATION FOR DEPLOYMENT OF ADDITIONAL FORCES TO AUGMENT IN-THEATER CAPABILITIES IN SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS.//
GENTEXT/MISSION/
2. USCINCACOM, USCINCTRANS, CSA, AND USCINCSOC DEPLOY FORCES DESIGNATED BELOW TO THE USSOUTHCOM AOR IN SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS. ADDITIONALLY, USCINCACOM AND CSA ALERT AND PREPARE TO DEPLOY WITHIN 72 HOURS, AND DEPLOY UPON USCINCSO ORDER FOLLOWING COORDINATION WITH CJCS, CSA, AND USCINCACOM, THE FORCES

PAGE 04 RUEKJCS7037 UNCLAS
DESIGNATED BELOW.//
GENTEXT/EXECUTION/
3. USCINCSO
A. ACCEPT OPCON OF DEPLOYED FORCES UPON ARRIVAL IN THE USSOUTHCOM AOR.
B. REDEPLOY FORCES O/A 8 DEC 98 OR UPON MISSION COMPLETION, WHICHEVER IS EARLIER, TRANSFER OPCON OF SUPPORTING CINC FORCES UPON DEPARTURE FM USSOUTHCOM AOR.
4. USCINCACOM
A. IMMEDIATELY DEPLOY THE FOLLOWING FORCES TO ARRIVE IN THE USSOUTHCOM AOR NLT 08 NOV 98. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR.
(1) 1 X BILINGUAL MOBILE PUBLIC AFFAIRS DETACHMENT
(2) 1 X USN SPECIAL PSYCHOLOGICAL RAPID INTERVENTION TEAM
(3) 1 X USA COMBAT STRESS CONTROL DETACHMENT
(4) 1 X SEABEE AIR DETACHMENT WITH CAPABILITY TO CONDUCT ENGINEER RECONNAISSANCE, EXPEDIENT REPAIR OF ROADS AND BRIDGES, DEBRIS CLEARANCE, PANEL BRIDGE EMPLACEMENT, AND BASE CAMP CONSTRUCTION.
(5) 2 X PREVENTIVE MEDICINE ASSESSMENT TEAMS FOR VECTOR

PAGE 05 RUEKJCS7037 UNCLAS
CONTROL/SANITATION, ENVIRONMENTAL SCIENCE/SANITARY ENGINEERING, ENTOMOLOGY, EPIDEMIOLOGY, AND VETERINARY SERVICES.
B. ALERT AND PREPARE TO DEPLOY WITHIN 72 HOURS THE FORCES LISTED BELOW. DEPLOY ON USSOUTHCOM ORDER, FOLLOWING COORDINATION WITH CJCS. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR.
(1) 1 X BRIDGING UNIT WITH THREE MEDIUM GIRDER BRIDGES (MGBS) AND CAPABILITY TO EMPLACE COMMERCIALLY PROCURED PANEL BRIDGES.
(2) 1 X ASSAULT FLOAT BRIDGE (RIBBON BRIDGE) COMPANY.
(3) 4 X C-130 AIRCRAFT WITH AERIAL BULK FUEL DELIVERY SYSTEMS AND ASSOCIATED AIRCREW.
(4) 10 X HEAVY LIFT HELICOPTERS (CH-53/CH-47) AND ASSOCIATED AIRCREW/MAINTENANCE PERSONNEL. UNIT(S) SHOULD DEPLOY WITH ORGANIC C2 CAPABILITY AND BE ABLE TO PERFORM SPLIT SITE OPERATIONS TO INCLUDE SAR/MEDEVAC, EQUIPMENT MOVEMENT, AND RELIEF SUPPLY MISSIONS.
(5) 4 X MEDIUM LIFT HELICOPTERS (UH-60) AND ASSOCIATED

AIRCREW/MAINTENANCE PERSONNEL. UNIT(S) SHOULD DEPLOY WITH ORGANIC C2 CAPABILITY AND BE ABLE TO PERFORM SPLIT SITE OPERATIONS TO INCLUDE SAR/MEDEVAC, EQUIPMENT MOVEMENT, AND RELIEF SUPPLY MISSIONS.
(6) 2 X C2 HELICOPTERS AND ASSOCIATED AIRCREW/MAINTENANCE

PAGE 06 RUEKJCS7037 UNCLAS
PERSONNEL. UNIT SHOULD DEPLOY WITH ORGANIC C2 CAPABILITY AND BE ABLE TO PERFORM SPLIT SITE OPERATIONS TO INCLUDE SAR/MEDEVAC, EQUIPMENT MOVEMENT, AND RELIEF SUPPLY MISSIONS.
5. CSA. ALERT AND PREPARE TO DEPLOY WITHIN 72 HOURS THE FORCES LISTED BELOW. DEPLOY ON USSOUTHCOM ORDER, FOLLOWING COORDINATION WITH CJCS. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR FOLLOWING MISSION COMPLETION: US ARMY CORPS OF ENGINEERS TEAMS TO PROVIDE DAMAGE ASSESSMENT, SUPPORT FOR DAMAGE ASSESSMENT, EMERGENCY CONTRACTING SPECIALISTS AND CONSULTATION, AND ENGINEERING FORCES.
6. USSOCOM
A. IMMEDIATELY DEPLOY 1 X BILINGUAL CIVIL AFFAIRS (CA) TACTICAL SUPPORT TEAM (SOCOM) TO ARRIVE IN THE USSOUTHCOM AOR NLT 08 NOV 98. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR.
B. FOLLOWING MISSION COMPLETION, ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.
7. USCINCTRANS. DEPLOY 4 X C-130 WITH AERIAL BULK FUEL DELIVERY SYSTEMS AND ASSOCIATED AIRCREW. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. FOLLOWING MISSION COMPLETION, ACCEPT

PAGE 07 RUEKJCS7037 UNCLAS
OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR. PROVIDE TRANSPORTATION SUPPORT, AS REQUIRED.
8. CONCURRENCE. US AMBASSADORS GUATEMALA, HONDURAS, NICARAGUA, AND EL SALVADOR CONCUR IN THIS DEPLOYMENT. THE GOVERNMENTS OF AFFECTED CENTRAL AMERICAN COUNTRIES HAVE BEEN NOTIFIED AND APPROVE OF THIS DEPLOYMENT.
9. COORDINATING INSTRUCTIONS -
A. PREPARATION FOR OVERSEAS MOVEMENT. THE FOLLOWING REQUIREMENTS MUST BE MET BY ALL DEPLOYING PERSONNEL:
(1) IMMUNIZATIONS. ALL IMMUNIZATIONS WILL BE UP TO DATE. MEMBERS WILL CARRY MEDICAL RECORDS.
(2) COUNTRY CLEARANCE. ENSURE ALL CLEARANCES ARE IAW FOREIGN CLEARANCE GUIDE 4500.54-G AND COORDINATED WITH JTF-B.
(3) STATEMENT OF PREPAREDNESS IAW REF A.
(4) MEDICAL. ENSURE DEPLOYING PERSONNEL RECEIVE APPROPRIATE HEALTH THREAT BRIEFING PRIOR TO AND AS REQUIRED THROUGHOUT THE LENGTH OF DEPLOYMENT IN THE AOR. ENSURE APPROPRIATE MEDICAL AND DENTAL SCREENING, PREVENTIVE MEDICINE COUNTERMEASURES TRAINING, AND IMMUNIZATIONS ARE COMPLETED PRIOR TO DEPARTURE. USCINCSO POLICY REQUIRES US FORCES TO PARTICIPATE IN A WEEKLY MALARIA
BT
UNCLAS FINAL SECTION OF 02
CHEMOPROPHYLAXIS PROGRAM TO ENSURE US FORCES ARE PROTECTED AGAINST AN INCREASED HEPATITIS RISK. PREVENTIVE DOSAGES OF GAMMA GLOBULIN MAY BE REQUIRED. YELLOW FEVER VACCINATION REQUIRED FOR ALL ARRIVING

PAGE 03 RUEKJCS7038 UNCLAS
FORCES FROM AN INFECTED AREA. COLLECT HIV SCREENING BLOOD/SERUM SAMPLES AND ADMINISTER HEALTH ASSESSMENTS AS REQUIRED BY OCT 98 OASD/HA POLICY MEMO. COMPREHENSIVE AND ROBUST HEALTH SURVEILLANCE OF DISEASE/NON-BATTLE INJURIES AND ENVIRONMENTAL CONDITIONS/EXPOSURES SHALL BE PERFORMED DURING DEPLOYMENT. MEDICAL RECORDS WILL BE HAND-CARRIED BY MEMBERS.
B. EQUIPMENT. UNITS DEPLOY WITH APPROPRIATE TO&E REQUIRED FOR MISSION ACCOMPLISHMENT.
C. LOGISTICAL SUPPORT FUNCTIONS WILL BE PROVIDED BY COMMANDER, JTF-B, WHILE DEPLOYED TO SOTO CANO, HO, AND REMOTE SITES.
D. FORCE PROTECTION/COMBATING TERRORISM. THE THREAT LEVEL THROUGHOUT THE CENTRAL AMERICAN REGION IS LOW FOR TERRORISM AND HIGH FOR CRIME. SUPPORTING CINCS AND SERVICES WILL ENSURE DEPLOYING FORCES ARE AWARE OF THREAT LEVELS SET BY USCINCSO THROUGHOUT THE AOR AND WILL ENSURE FORCES COMPLETE USCINCSO REQUIRED PREDEPLOYMENT TRAINING, TO INCLUDE ANTITERRORISM TRAINING. COMMANDER, JTF-B WILL ENSURE SECURITY AND FORCE PROTECTION MEASURES ARE IN PLACE AND DEPLOYED FORCES RECEIVE APPROPRIATE LEVEL TERRORIST AWARENESS TRAINING UPON ARRIVAL AND, AS REQUIRED, THROUGHOUT THE LENGTH OF DEPLOYMENT IN THE CENTRAL AMERICAN REGION.

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E. RULES OF ENGAGEMENT (ROE). CJCS STANDING ROE APPLY.
F. HUMAN RIGHTS TRAINING. DEPLOYING MEMBERS WILL RECEIVE HUMAN RIGHTS TRAINING AND INDOCTRINATION PRIOR TO DEPLOYMENT. TRAINING WILL INCLUDE, AS A MINIMUM, READING AND UNDERSTANDING USCINCSO POLICY MEMO 1-96. MEMBERS WILL ALSO BE ISSUED THE USSOUTHCOM HUMAN RIGHTS CARD, SC FORM 165, DATED 28 AUG 96. US PERSONNEL WILL STRESS THE IMPORTANCE OF ADHERING TO HUMAN RIGHTS PRINCIPLES TO ALLIED NATION PARTICIPANTS DURING ALL ASPECTS OF DEPLOYMENT.
G. DIRLAUTH ALCON. KEEP THE JOINT STAFF INFORMED.
H. USE OF JOPES IS DIRECTED. PID IS 698DA. GTN WILL BE USED TO PROVIDE IN TRANSIT VISIBILITY. VALIDATION WILL BE IN NEWSGROUP CRISIS.SOUTHCOM.DISREL (LOWER CASE).//
GENTEXT/ADMIN AND LOG/
10. COMMERCIAL AND MILITARY AIR AUTHORIZED. AIRLIFT AND MOVEMENT PRIORITY: 1B1.
11. FUNDING. THE JOINT STAFF WILL NOT PROVIDE FUNDING.
A. FOR IMMEDIATELY DEPLOYING UNITS: THE JOINT STAFF WILL NOT PROVIDE FUNDING. DOD OVERSEAS HUMANITARIAN DISASTER ASSISTANCE AND CIVIC AID (OHDACA) FUNDS WILL BE USED FOR THIS DEPLOYMENT. THE OFFICE OF HUMANITARIAN ASSISTANCE, ASD(SOLIC), WILL PROVIDE FINANCIAL

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MANAGEMENT GUIDANCE BY SEPCOR.
B. FOR ALERTED UNITS: FUNDING GUIDANCE TBD.
C. CINC COMPONENT COMMANDS WILL CAPTURE INCREMENTAL COSTS AND REPORT IAW WITH ASD(SOLIC) GUIDANCE.
12. PUBLIC AFFAIRS. AN ACTIVE PUBLIC AFFAIRS POSTURE IS

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APPROPRIATE.  UNIT MEMBERS ARE NOT AUTHORIZED TO DISCUSS CLASSIFIED
SENSITIVE INFORMATION WITH THE MEDIA.  INFORMATION PROVIDED TO THE
MEDIA WILL BE COORDINATED THROUGH THE JTF-B PUBLIC AFFAIRS OFFICE
WHICH WILL ASSIST WITH LOCAL PA SPECIALISTS.  SCPA POC IS CAPT CHRIS
YATES, COMM 305-437-1200, DSN 567-1200.  OASD (PA) POC FOR MEDIA
QUERY IS LTC BILL DARLEY, COMM (703) 697-1848, DSN 227-1848.  DOD
PUBLIC AFFAIRS POC IS LTC STEVE CAMPBELL, COMM 703-693-5131.//
GENTEXT/COMMAND AND SIGNAL/
13.  COMMAND AND CONTROL.  USCINCSO IS THE SUPPORTED CINC.
USCINCACOM, USCINCTRANS, AND USCINCSOC ARE SUPPORTING CINCS.  USA,
USMC, USN, AND USAF ARE SUPPORTING SERVICES.  USCG IS SUPPORTING
AGENCY.  USCINCSO WILL EXERCISE OPCON OF THE AVIATION UNITS THROUGH
CJTF-B.//
GENTEXT/AUTHENTICATION/CJCS OFFICIAL:  LCDR W. HART, J3/JOD, DSN 224-
7074//



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AKNLDG/YES/INST:  ACKNOWLEDGE ORDER TO JOINT STAFF WITHIN 48 HOURS OF
RECEIPT.//
BT

FINAL DISTR ADDED FOR JCS PER CWO4 TIBBALS/SJS



SECDEF V2                                                            0
ACTION                                                 (U,8,F)
INFO   CHAIRS(*) SECDEF-C(*) USDAT:ICP(*)
       ASD:PA(*) DIR:PAE-RAM(*) DIR:PAE-PF(*) DASDIS(*)
       COMDIR(*) C3IA(*)
      +USDP:ESC

CJCS V6                                                              3
ACTION                                                     (M)
INFO   SJS-C(*) NMCC:CWO(*) J3(1) CMAS(*) J5(1)
       J4:LRC(1)
                                          TOTAL COPIES REQUIRED      3
#7037 ***********************************************************************
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APPENDIX INTRO-3: DEPLOYMENT ORDER MODIFICATION

PRIORITY

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USER: GEISEREE                                                    TOR: 090010Z NOV 98

PTTUZYUW RUEKJCS7075 3121901-UUUU--RUEKAMH.
ZNR UUUUU
P 082250Z NOV 98
FM CJCS WASHINGTON DC
TO RUEKJCS/CJCS WASHINGTON DC//
RUEADWD/CSA WASHINGTON DC
RUMIAAA/USCINCSO MIAMI FL
RUCBACM/CINCUSACOM NORFOLK VA
RHCUAAA/USCINCTRANS SCOTT AFB IL
RUEANEA/CDRUSACE WASHINGTON DC //CECS-OC//
INFO RHEHWSR/WHITE HOUSE SITUATION ROOM WASHINGTON DC
RUEHC/SECSTATE WASHINGTON DC//INL/ARA//
RUEKJCS/SECDEF WASHINGTON DC//USDP:DSAA/USDP:ISA//
RUENAAA/CNO WASHINGTON DC
RUEAHQA/CSAF WASHINGTON DC
RUEACMC/CMC WASHINGTON DC
RUMIFCP/CDRUSARSO SIMS FT CLAYTON PM //SOCS/SOOP//
RUCJHWD/24WG CP HOWARD AFB PM
RUERFCP/COMSOCSOUTH COROZAL PM//SOCSO-J3/SOCSO-J5//
RUVMDBC/USSOUTHAF DAVIS MONTHAN AFB AZ//SCX//
RUCBACM/CINCUSACOM NORFOLK VA//J1/J3/J4//
RUMIAAA/USCINCSO MIAMI FL//J3-CAT/J3/JOIC//
RUEAHND/CDRJTF-B SIMS SOTO CANO HO
RUEAFOC/AFOC WASHINGTON DC
RUEADLA/DLA FT BELVOIR VA
RUEHGT/USMILGP GUATEMALA CITY GT
RUEHBE/CHUSMLO BELIZE CITY BH
RUEHTG/USMILGP TEGUCIGALPA HO
RUEHGT/AMEMBASSY GUATEMALA CITY GT
RUEHTG/AMEMBASSY TEGUCIGALPA HO
RUEHBE/AMEMBASSY BELIZE CITY BH
RUEHMU/AMEMBASSY MANAGUA
RUEHSN/AMEMBASSY SAN SALVADOR
BT
UNCLAS
MSGID/ORDER/CJCS/-//
REF/A/ORDER/CJCS/052023ZNOV98/-/NOTAL//
AMPN/CJCS DEPLOYMENT ORDER IN SUPPORT OF HURRICANE MITCH DISASTER
RELIEF OPERATIONS.
REF/B/GENADMIN/USCINCSO/060107ZNOV98/-/NOTAL//
AMPN/USCINCSO MODIFICATION ONE REQUEST TO CJCS DEPLOYMENT ORDER IN
SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS
REF/C/GENADMIN/USCINCSO/062357ZNOV98/-/NOTAL//
AMPN/USCINCSO MODIFICATION TWO REQUEST TO CJCS DEPLOYMENT ORDER IN
SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS
ORDTYPE/DEPLOYORD/CJCS//
TIMEZONE/Z//
NARR/THIS IS A DEPLOYMENT ORDER MODIFICATION (REF A). IRT REF B AND
C, SECDEF HAS AUTHORIZED DEPLOYMENT OF ADDITIONAL FORCES ISO
HURRICANE MITCH DISASTER RELIEF OPERATIONS.
1.  CINCUSACOM
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A. IMMEDIATELY DEPLOY THE FOLLOWING FORCES TO ARRIVE IN THE SOUTHCOM AOR AS EXPEDITIOUSLY AS POSSIBLE. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN SOUTHCOM AOR.

(1) (LN 019) 1 X USN COMBAT CAMERA SUPPORT UNIT

B. ALERT AND PREPARE TO DEPLOY WITHIN 24 HOURS OF JTF ACTIVATION THE FORCES LISTED BELOW. PLAN FOR MOVEMENT WHICH WILL POSITION ASSETS WITHIN THEATER NLT 96 HOURS OF NOTICE TO DEPLOY. DEPLOY ON SOUTHCOM ORDER, FOLLOWING COORDINATION WITH CJCS. TRANSFER OPCON TO USCINCSO UPON ARRIVAL IN SOUTHCOM AOR.

(1) (LN 014) 10 X HEAVY LIFT HELICOPTERS (CH-53/CH-47) AND ASSOCIATED AIRCREW/MAINTENANCE PERSONNEL. UNIT(S) SHOULD DEPLOY WITH ORGANIC C2 CAPABILITY AND BE ABLE TO PERFORM SPLIT SITE OPERATIONS TO INCLUDE SAR/CASEVAC, EQUIPMENT MOVEMENT, AND RELIEF SUPPLY MISSIONS. ASSETS ARE IN ADDITION TO (LN 008) WHICH DEPLOYED 8-10 NOV 98.

(2) (LN 015) 6 X MEDIUM LIFT HELICOPTERS (UH-60) AND ASSOCIATED AIRCREW/MAINTENANCE PERSONNEL. UNIT(S) SHOULD DEPLOY WITH ORGANIC C2 CAPABILITY AND BE ABLE TO PERFORM SPLIT SITE OPERATIONS TO INCLUDE SAR/CASEVAC, EQUIPMENT MOVEMENT, AND RELIEF SUPPLY MISSIONS. ASSETS ARE IN ADDITION TO (LN 009/010) WHICH DEPLOYED 8-10 NOV 98.

(3) (LN 018) 1 X TASK-ORGANIZED MOBILE CONSTRUCTION BATTALION (MINUS). MOVEMENT OF PRIORITY ELEMENTS BY AIR IS DESIRED.

C. ALERT AND PREPARE TO DEPLOY WITHIN 72 HOURS OF NOTICE THE FORCES LISTED BELOW. DEPLOY ON SOUTHCOM ORDER, FOLLOWING COORDINATION WITH CJCS. TRANSFER OPCON TO USCINCSO UPON ARRIVAL IN SOUTHCOM AOR.

(1) (LN 020) 1 X COMBAT SUPPORT EQUIPMENT COMPANY.

(2) (LN 021) 1 X COMBAT HEAVY ENGINEER BATTALION (MINUS RESERVE LINE COMPANY).

2. CSA. IMMEDIATELY DEPLOY (LN 016/017) 2 X CORPS OF ENGINEER TEAMS TO ARRIVE IN THE SOUTHCOM AOR NLT 091900Z NOV 98. TEAMS MUST BE CAPABLE OF SUPPORTING DAMAGE ASSESSMENTS OF INFRASTRUCTURE THROUGHOUT THE JOINT OPERATIONS AREA (JOA). TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN THE SOUTHCOM AOR.

3. USCINCSO. ACCEPT OPCON OF DEPLOYED FORCES UPON ARRIVAL IN SOUTHCOM AOR. REDEPLOY FORCES O/A 15 JAN 99 OR MISSION COMPLETION, WHICHEVER IS EARLIER. TRANSFER OPCON TO CINCUSACOM AND CSA UPON DEPARTURE FROM SOUTHCOM AOR.

4. COORDINATING INSTRUCTIONS. REF A DEPLOYED FORCES TO SOUTHCOM IN SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS WITH AN O/A 8 DEC 98 REDEPLOYMENT DATE. THIS DEPORD EXTENDS REDEPLOYMENT DATE TO O/A 15 JAN 99 OR MISSION COMPLETION, WHICHEVER IS EARLIER.

5. FUNDING

A. THE JOINT STAFF WILL NOT PROVIDE FUNDING. THE PRESIDENT HAS DIRECTED DRAWDOWN OF DEFENSE ARTICLES AND SERVICES UNDER SECTION 506(A)(2) OF THE FOREIGN ASSISTANCE ACT. ACCORDINGLY, CINC COMPONENTS WILL FUND THEIR PARTICIPATION IN RELIEF EFFORTS USING SERVICE FUNDS. HISTORICALLY, DOD HAS NOT BEEN REIMBURSED FOR DRAWDOWNS, THEREFORE, CINC COMPONENTS OR PARENT SERVICES SHOULD PREPARE TO ABSORB THESE COSTS FROM OPERATING BUDGETS, BUT SHOULD CAPTURE COSTS NONETHELESS.

B. DRAWDOWN OF DEFENSE ARTICLES AND SERVICES.

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(1) DEFENSE SECURITY COOPERATION AGENCY (DSCA) WILL PROVIDE DETAILED GUIDANCE VIA DRAWDOWN EXECUTE ORDER.
(2) THE DRAWDOWN EXECUTE ORDER WILL ESTABLISH SPENDING CEILINGS.
(3) NEW CONTRACTS AND NEW PURCHASES ARE NOT ALLOWED UNDER DRAWDOWN AUTHORITY, WITH THE EXCEPTION OF COMMERCIAL AIR TRANSPORTATION CONTRACTS WHEN DEEMED MORE ECONOMICAL.
GENTEXT/AUTHENTICATION/CJCS OFFICIAL: T. W. HILLS, CDR, USN, J-3/WHEM, DSN 224-1726//
AKNLDG/YES/INST: ACKNOWLEDGE ORDER TO JOINT STAFF WITHIN 48 HOURS OF RECEIPT//
BT

FINAL DISTR ADDED FOR JCS PER CWO4 TIBBALS/SJS

SECDEF V2 0
ACTION (U,8,F)
INFO CHAIRS(*) SECDEF-C(*) USDAT:ICP(*)
ASD:PA(*) DIR:PAE-PF(*) DASDIS(*) COMDIR(*) C3IA(*)
+USDP:ESC

CJCS V6 3
ACTION (M)
INFO SJS-C(*) NMCC:CWO(*) J3(1) CMAS(*) J5(1)
J4:LRC(1)
TOTAL COPIES REQUIRED 3

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APPENDIX INTRO-4: DEPLOYMENT ORDER MODIFICATION 02

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Communications Center

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TOR: 161614Z NOV 98

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PTTUZYUW RUEKJCS7205 3201058-UUUU--RUEKAMH.
ZNR UUUUU
P 161415Z NOV 98
FM CJCS WASHINGTON DC
TO RUEADWD/CSA WASHINGTON DC
RUENAAA/CNO WASHINGTON DC
RUEAHQA/CSAF WASHINGTON DC
RUEACMC/CMC WASHINGTON DC
RUMIAAA/USCINCSO MIAMI FL
RUCBACM/CINCUSACOM NORFOLK VA
RHCUAAA/USCINCTRANS SCOTT AFB IL
RUCJAAA/USCINCSOC MACDILL AFB FL
INFO RHEHWSR/WHITE HOUSE SITUATION ROOM WASHINGTON DC
RUEHC/SECSTATE WASHINGTON DC//INL/ARA//
RUEKJCS/SECDEF WASHINGTON DC//USDP:DSAA/USDP:ISA/
    ASD:PA/ASD(SOLIC)//
RULSJGA/COMDT COGARD WASHINGTON DC
RUEKDIA/DIA WASHINGTON DC//D0/J2//
RUEANEA/CDRUSACE WASHINGTON DC //CECS-OC//
RHDIAAA/HQ ACC LANGLEY AFB VA//DO/DOO/DOOC/LG/LGX/
    SG/SGX/SPX/BSD//
RUERFCP/CDR USARSO SIMS FR CLAYTON PM//SOCS/SOOP//
RUCJHWD/24WG CP HOWARD AFB PM
RUERFCP/COMSOCSOUTH COROZAL PM//SOCSO-J3/SOC-SO-J5//
RUVMDBC/USSOUTHAF DAVIS MONTHAN AFB AZ//SCX//
RUCBACM/CINCUSACOM NORFOLK VA//J1/J3/J4//
RUMIAAA/USCINCSO MIAMI FL//J3-CAT/J3/JOIC//
RUMIAGH/CDR JTF-B SIMS SOTO CANO HO
RUEAFOC/AFOC WASHINGTON DC
RUEADLA/DLA FT BELVOIR VA//CAIL/ESOC//
RUEHGT/USMILGP GUATEMALA CITY CT
RUEHBE/CHUSMLO BELIZE CITY BH
RUEHTG/USMILGP TEGUCIGALPA HO
RUEHC/USDAO MANAGUA NI
RUEHSN/USDAO SAN SALVADOR ES
RUEHGT/AMEMBASSY GUATEMALA CITY GT
RUEHTG/AMEMBASSY TEGUCIGALPA
RUEHBE/AMEMBASSY BELIZE CITY
RUEHMU/AMEMBASSY MANAGUA
RUEHSN/AMEMBASSY SAN SALVADOR
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PAGE 03 RUEKJCS7205 UNCLAS
 SECTION 01 OF 04
MSGID/ORDER/CJCS//
REF/A/GENADMIN/USCINCSO/050115ZNOV98/-/NOTAL//
REF/B/GENADMIN/CJCS/052023ZNOV98/-/NOTAL//
REF/C/GENADMIN/CJCS/082250ZNOV98/-/NOTAL//
REF/D/GENADMIN/USCINCSO/092026ZNOV98/-/NOTAL//
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REF/E/GENADMIN/SECDEF/070043ZNOV98/-/NOTAL
AMPN/REF A IS USCINCSO REQUEST FOR DEPLOYMENT ORDER IN SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS. REF B IS DEPLOYMENT ORDER. REF C IS DEPORD MODIFICATION. REF D IS REQUEST FOR ADDITIONAL FORCES FOR JTF-B AND DRJTF. REF E IS DRAWDOWN EXECUTE ORDER//
ORDTYP/DEPLOYORD/CJCS//
TIMEZONE/Z//
NARR/THIS IS A DEPLOYMENT ORDER MODIFICATION (MOD 02). SECDEF HAS EXTENDED THE DEPLOYMENT OF PREVIOUSLY DEPLOYED FORCES (REFS B AND C) UNTIL ON OR ABOUT (O/A) 15 FEB 99. IN ADDITION, SECDEF HAS DIRECTED THE DEPLOYMENT OF ADDITIONAL FORCES TO AUGMENT JTF-B AND ESTABLISH DRJTF IN SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS IN USSOUTHCOM AOR.//
GENTEXT/SITUATION/
1. HURRICANE MITCH STORM DAMAGE IS EXTENSIVE IN CENTRAL AMERICA. OFFICE OF FOREIGN DISASTER ASSISTANCE (OFDA) CONTINUES TO EVALUATE THE DAMAGE AND IDENTIFY INITIAL REQUIREMENTS FOR FIXED WING, ROTARY WING, AND OTHER ASSETS/PERSONNEL. USCINCSO HAS REINFORCED JTF-B WITH ALL AVAILABLE ASSETS IN THEATER AND HAS ESTABLISHED THE NEED FOR A SECOND DRJTF IN EL SALVADOR TO COORDINATE RELIEF EFFORTS IN EL SALVADOR, NICARAGUA, AND GUATEMALA.//
GENTEXT/MISSION/
2. USCINCACOM, USCINCTRANS, USCINCSOC, AND CSA DEPLOY FORCES DESIGNATED BELOW TO THE USSOUTHCOM AOR IN SUPPORT OF HURRICANE MITCH DISASTER RELIEF OPERATIONS. ADDITIONALLY, USCINCACOM AND CSA ALERT AND PREPARE TO DEPLOY THE FORCES DESIGNATED BELOW IN THE TIMEFRAME SPECIFIED, AND DEPLOY UPON USCINCSO ORDER FOLLOWING COORDINATION WITH CJCS.//
GENTEXT/EXECUTION/
3. USCINCSO. ACCEPT OPCON OF DEPLOYED FORCES UPON ARRIVAL IN THE USSOUTHCOM AOR. REDEPLOY FORCES O/A 15 FEB 99 OR UPON MISSION COMPLETION, WHICHEVER IS EARLIER (O/A DEFINED AS PLUS OR MINUS 7 DAYS). TRANSFER OPCON OF SUPPORTING CINC FORCES UPON DEPARTURE FROM USSOUTHCOM AOR.
4. USCINCACOM DEPLOY FORCES AS DIRECTED BELOW. TRANSFER OPCON TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON UPON DEPARTURE FROM USSOUTHCOM AOR.
A. THE FOLLOWING FORCES TO JTF-B.
(1) (LN 022) 1 X THEATER MEDICAL MATERIEL MANAGEMENT CENTER CAPABLE OF CONDUCTING SPLIT BASE OPERATIONS BETWEEN JTF-B AND DRJTF TO PROVIDE TOTAL ASSET VISIBILITY OF CLASS VIII A AND B. EAD 14 NOV, LAD 18 NOV.
(2) (LN 023) 1 X MEDICAL DISTRIBUTION COMPANY TO CONDUCT SPLIT BASE OPERATIONS BETWEEN JTF-B AND DRJTF TO RECEIVE, STORE, AND ISSUE CLASS VIII SUPPLIES. EAD 14 NOV, LAD 18 NOV.
(3) (LN 024) 1 X COMBAT SUPPORT EQUIPMENT COMPANY FOR HORIZONTAL ROAD WORK. EAD 18 NOV, LAD 24 NOV.
(4) (LN 025) 1 X TASK ORGANIZED ENGINEER HQ ELEMENT TO ASSIST JTF WITH DESIGN C2 AND ENGINEER LOGISTICS. EAD 14 NOV, LAD 18

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NOV.
B. THE FOLLOWING FORCES TO SUPPORT DRJTF.
(1) (LN 026) 1 X HQ AND HQ CORPS SUPPORT GROUP COMPANY WITH ALL PERSONNEL AND MTO&E EQUIPMENT. COMBAT WAR-FIGHTING CAPABILITIES THAT CANNOT BE USED IN HUMANITARIAN/DISASTER RELIEF OPERATION ARE NOT REQUIRED. UNIT IS DESIGNATED AS INITIAL STAFF OF DRJTF.
(2) (LN 014/015) 1 X HEAVY ROTARY LIFT BATTALION OF NO LESS THAN 10 HEAVY LIFT HELOS AND SIX MEDIUM LIFT HELOS. THESE ASSETS WERE PREVIOUSLY PLACED ON 24-HOUR ALERT BY REF C. EAD 16 NOV, LAD 22 NOV.
C. DEPLOY THE FOLLOWING ENGINEER UNITS TO MEET LISTED DRJTF REQUIREMENTS. ALL ENGINEER UNITS EAD IS 18 NOV, LAD 24 NOV, EXCEPT AS INDICATED:
(1) (LN 020) 1 X COMBAT SUPPORT EQUIPMENT COMPANY TO PERFORM HORIZONTAL CONSTRUCTION PROJECTS. THESE ASSETS WERE PREVIOUSLY PLACED ON 72-HOUR ALERT BY REF C.
(2) (LN 021) 1 X COMBAT HEAVY ENGINEER BATTALION TO PERFORM HORIZONTAL AND VERTICAL CONSTRUCTION PROJECTS. PREVIOUSLY PLACED ON 72-HOUR ALERT BY REF C.
(3) (LN 027) 1 X RED HORSE SQUADRON TO PERFORM HORIZONTAL AND VERTICAL CONSTRUCTION PROJECTS. ADVANCE PARTY EAD 13 NOV, LAD 16 NOV.
(4) (LN 028) 1 X MEDIUM GIRDER BRIDGE COMPANY WITH THREE MGBS.
(5) (LN 029) 1 X ENGINEER GROUP HQ (-) IS REQUIRED FOR ENGINEER C2, DESIGN, AND ENGINEER LOGISTICS . EAD IS 14 NOV, LAD 18 NOV.
(6) (LN 007) 1 X ASSAULT FLOAT BRIDGE COMPANY (RIBBON). UNIT PREVIOUSLY ALERTED BY REF A.
(7) (LN 030) SUFFICIENT WATER PURIFICATION CAPABILITY TO PROVIDE POTABLE WATER AT A MINIMUM OF SIX SEPARATE ENGINEER LOCATIONS FOR A POPULATION NOT TO EXCEED 500 TROOPS PER LOCATION.
D. DEPLOY THE FOLLOWING MEDICAL UNITS TO MEET LISTED DRJTF REQUIREMENTS. ALL UNITS EAD IS 17 NOV, LAD 20 NOV, EXCEPT AS INDICATED:
(1) (LN 031) 1 X AREA SUPPORT MEDICAL BATTALION (-) TO PROVIDE LEVEL I-II CARE.
(2) (LN 032) 1 X MEDICAL COMPANY (AEROMEDICAL EVACUATION). UNIT MUST DEPLOY WITH NO LESS THAN NINE UH-60S.
(3) (LN 033) 1 X LEVEL III (-) MEDICAL FACILITY IN EL SALVADOR TO PROVIDE HEALTH CARE TO US FORCES AND INDIGENOUS PERSONNEL IN THE JOA.
(4) (LN 034) SUFFICIENT WATER PURIFICATION CAPABILITY TO
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SECTION 02 OF 04
PROVIDE POTABLE WATER AT A MINIMUM OF FIVE SEPARATE MEDICAL LOCATIONS

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FOR A POPULATION NOT TO EXCEED 500 TROOPS PER LOCATION.
E. DEPLOY FORCES TO MEET THE FOLLOWING DRJTF AIRFIELD OPERATION REQUIREMENTS:
(1) (LN 035) 1 X METEOROLOGICAL DETACHMENT TO SUPPORT AIR OPERATIONS. REQUIRES EIGHT PERSONNEL FOR THREE SEPARATE LOCATIONS (TWO IN NI, TWO IN GT, AND THREE IN ES) EAD 16 NOV AND LAD 19 NOV.
(2) (LN 037) 1 X GROUND SURVEILLANCE UNIT TO ASSIST IN BASE SECURITY OPERATIONS. HQ AND TWO PLATOONS TO SUPPORT 24-HOUR OPERATIONS. EAD 16 NOV AND LAD 19 NOV.
F. DEPLOY FORCES TO MEET THE FOLLOWING DRJTF COMMUNICATIONS REQUIREMENTS. EAD 14 NOV, LAD IS 18 NOV.
(1) (LN 038) HEAVY COMMUNICATIONS PACKAGE TO SUPPORT HQ, DRJTF CONSISTING OF 1 X TSC-85 SATELLITE TERMINAL WITH TEAM, 1 X TTC 39D SWITCHBOARD WITH TEAM AND ONE CABLE/WIRE INSTALLATION TEAM OF NLT SIX PERSONNEL, INCLUDING 100 DIGITAL NONSECURE VOICE TERMINALS (DNVT).
(2) (LN 039/40) 2 X MEDIUM COMMUNICATIONS PACKAGES, OF 1 X TSC-93 SATELLITE TERMINAL TEAM, 1 X SMALL EXTENSION NODE SWITCH (SENS) WITH TEAM AND 1 X CABLE/WIRE INSTALLATION TEAM OF NLT THREE PERSONNEL WITH 30 DNVTS OR EQUIVALENT CAPABILITY.
(3) (LN 041) JOINT SYSTEMS CONTROL CENTER (JSVSCON) TO PROVIDE COMMUNICATIONS NETWORKS C2 AND ENGINEERING SUPPORT FOR HQ, DRJTF.
G. ALERT AND PREPARE TO DEPLOY WITHIN 72 HOURS OF NOTIFICATION THE FORCES LISTED BELOW. DEPLOY ON USSOUTHCOM ORDER, FOLLOWING COORDINATION WITH CJCS.
(1) (LN 042/43) 2 X PREVENTIVE MEDICINE DETACHMENTS (ENTOMOLOGY).
(2) (LN 044/45/46/47) 4 X PREVENTIVE MEDICINE DETACHMENTS (SANITATION).
(3) (LN 048) 1 X VETERINARY SERVICE DETACHMENT (+).
(4) (LN 049) 1 X IFR CAPABLE EXPEDITIONARY AIR TRAFFIC CONTROL DETACHMENT.
(5) (LN 036) 1 X MP/SP/AP COMPANY TO PROVIDE SECURITY OPERATIONS IN SUPPORT OF JTF OPERATIONS. EAD 16 NOV AND LAD 19 NOV.
H. BE PREPARED TO DEPLOY THE FOLLOWING ASSETS WHEN REQUESTED. DEPLOY ON USSOUTHCOM ORDER FOLLOWING COORDINATION WITH CJCS.
(1) (LN 050) 1 X HEAVY ROTARY LIFT BN. UNIT SHOULD CONSIST OF AT LEAST 10 X HEAVY LIFT HELICOPTERS AND 6 X MEDIUM LIFT HELICOPTERS.
(2) (LN 051) 1 X WATER WELL DRILLING DETACHMENT. DEPLOYMENT CONTINGENT IF THE CAPABILITY DOES NOT DEPLOY WITH OTHER ASSETS IN THEATER.
(3) (LN 052) 1 X FORWARD SUPPORT MEDICAL TEAM CONSISTING OF NOT LESS THAN 3 X UH60S.
(4) (LN 053/54/55) 3 X LEVEL III (-) MEDICAL TREATMENT FACILITIES. ANTICIPATE DEPLOYMENT TO JTF-B.
5. CSA
A. DEPLOY THE FORCES LISTED BELOW TO JTF-B. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT

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OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.
(1) (LN 057) 1 X HUMANITARIAN ASSISTANCE SET. SOURCE IS US ARMY MEDICAL MATERIEL AGENCY (USAMMA). EAD 14 NOV, LAD 18 NOV.
(2) (LN 058) 1 X MEDICAL SUPPLY LOGISTICS TEAM FROM US ARMY MEDICAL MATERIEL AGENCY (USAMMA) TO CONDUCT SPLIT BASE OPERATIONS IN BOTH JTF-B AND DRJTF TO COORDINATE THE FLOW OF CLASS VIII INTO THE JOA. EAD 14 NOV LAD 18 NOV.
B. DEPLOY THE FORCES LISTED BELOW TO DRJTF. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.
(1) (LN 059/60) 2 X DISEASE SURVEILLANCE TEAMS FROM THE CENTER FOR HEALTH PROMOTION AND PREVENTIVE MEDICINE TO CONDUCT MEDICAL SURVEILLANCE.
(2) (LN 061) 1 X HUMANITARIAN ASSISTANCE SET. SOURCE IS US ARMY MEDICAL MATERIEL AGENCY (USAMMA).
(3) (LN 062) 1 X CSS ORGANIZATION(S) CAPABLE OF PROVIDING FULL-SPECTRUM CSS TO THE ABOVE DRJTF UNITS. USCINCSO ENVISIONS THIS ORGANIZATION TO BE AN O6-LEVEL SUPPORT GROUP HQ WITH TWO SUBORDINATE BN-SIZED ELEMENTS FORWARD DEPLOYED. EACH BN-SIZED ELEMENT SHOULD BE AUGMENTED WITH ONE EACH WATER PACKAGING SYSTEM. WATER PACKAGING SYSTEMS SHOULD DEPLOY WITH OPERATORS AND REQUIRED EQUIPMENT AND SUPPLIES TO SELF-SUSTAIN FOR 30 DAYS. EAD 14 NOV, LAD 18 NOV.
C. ALERT THE FOLLOWING UNITS FOR DEPLOYMENT TO DRJTF WITH 72-HOUR NOTIFICATION. DEPLOY ON USSOUTHCOM ORDER, FOLLOWING CJCS NOTIFICATION. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.
(1) (LN 063/64) 2 X MEDICAL ASSESSMENT TEAMS FROM THE US ARMY HEALTH FACILITY PLANNING AGENCY.
D. BE PREPARED TO DEPLOY THE FOLLOWING ASSETS WHEN REQUESTED. DEPLOY ON USSOUTHCOM ORDER, FOLLOWING COORDINATION WITH CJCS. TRANSFER OPCON TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR.
(1) (LN 065) 1 X PRIME POWER DETACHMENT.
6. USSOCOM
A. DEPLOY THE FOLLOWING FORCES TO JTF-B. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.
(1) (LN 066) 1 X PSYOP ASSESSMENT TEAM WITH REGIONAL, TACTICAL, AND DISSEMINATION CAPABILITY. EAD 14 NOV, LAD 18 NOV.
B. DEPLOY THE FOLLOWING FORCES TO DRJTF. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.
(1) (LN 067) 1 X CIVIL AFFAIRS (CA) OPERATIONS CELL. EAD 17 NOV, LAD 20 N0V.
(2) (LN 068/69/70) 3 X CIVIL AFFAIRS SUPPORT TEAMS. EAD 16 NOV, LAD 19 NOV, FOR THE FIRST TEAM, ADDITIONAL TEAMS, EAD 17 NOV, LAD 20 N0V.
C. ALERT FOLLOWING UNITS FOR DEPLOYMENT TO DRJTF WITHIN 72-
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HOUR NOTIFICATION. DEPLOY ON USSOUTHCOM ORDER FOLLOWING CJCS NOTIFICATION. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.

(1) (LN 071) 1 X REGIONALLY ORIENTED PSYOP TASK FORCE WITH THE CAPABILITY TO PRODUCE AND DISSEMINATE PRINTED PRODUCTS, CONDUCT RADIO AND TELEVISION BROADCASTS FROM TWO LOCATIONS, AND PROVIDE TACTICAL PSYOP TEAMS TO SUPPORT TWO SEPARATE JTFS.

7. USCINCTRANS. DEPLOY THE FOLLOWING FORCES TO DRJTF. TRANSFER OPCON OF FORCES TO USCINCSO UPON ARRIVAL IN USSOUTHCOM AOR. ACCEPT OPCON OF FORCES FROM USCINCSO UPON DEPARTURE FROM USSOUTHCOM AOR.

A. (LN 072) 1 X AIR EVACUATION CELL FROM THE GLOBAL PATIENT REQUIREMENT MOVEMENT CENTER. EAD IS 16 NOV, LAD 19 NOV.

B. (LN 073) 1 X AIR EVACUATION LIAISON TEAM., EAD IS 16 NOV, LAD 19 NOV.

8. CONCURRENCE. US AMBASSADORS GUATEMALA, HONDURAS, NICARAGUA, AND EL SALVADOR CONCUR IN THIS DEPLOYMENT. THE GOVERNMENTS OF AFFECTED CENTRAL AMERICAN COUNTRIES HAVE BEEN NOTIFIED AND APPROVE OF THIS DEPLOYMENT.

9. COORDINATING INSTRUCTIONS

A. PREPARATION FOR OVERSEAS MOVEMENT. THE FOLLOWING REQUIREMENTS MUST BE MET BY ALL DEPLOYING PERSONNEL:

(1) COUNTRY CLEARANCE. ENSURE ALL CLEARANCES ARE IAW FOREIGN CLEARANCE GUIDE 4500.54-G AND COORDINATED WITH JTF-B.

(2) STATEMENT OF PREPAREDNESS IAW REF A.

(3) MEDICAL. ENSURE DEPLOYING PERSONNEL RECEIVE APPROPRIATE HEALTH THREAT BRIEFING PRIOR TO AND, AS REQUIRED, THROUGHOUT THE LENGTH OF DEPLOYMENT IN THE AOR. ENSURE APPROPRIATE MEDICAL AND DENTAL SCREENING, PREVENTIVE MEDICINE COUNTERMEASURES TRAINING, AND IMMUNIZATIONS ARE COMPLETED PRIOR TO DEPARTURE. USCINCSO POLICY REQUIRES US FORCES TO PARTICIPATE IN A WEEKLY MALARIA AND LEPTOSPIROSIS CHEMOPROPHYLAXIS PROGRAM. COMPREHENSIVE AND ROBUST HEALTH SURVEILLANCE OF DISEASE/NON-BATTLE INJURIES AND ENVIRONMENTAL CONDITIONS/EXPOSURES WILL BE PERFORMED DURING DEPLOYMENT.

B. EQUIPMENT. UNITS DEPLOY WITH APPROPRIATE TO&E REQUIRED FOR MISSION ACCOMPLISHMENT.

C. LOGISTICAL SUPPORT FUNCTIONS FOR UNITS IN HO WILL BE PROVIDED BY COMMANDER, JTF-B. COMMANDER, DRJTF, WILL PROVIDE LOGISTICAL SUPPORT FOR UNITS IN ES, GT, AND NI. UNITS DEPLOYING IN SUPPORT OF DR OPERATIONS WILL NEED TO BE SELF-SUSTAINING AND DEPLOY WITH AT LEAST 15 DAYS OF SUPPLY FOR ALL COMMODITIES (LESS FUEL AND WATER, WHICH WILL BE 5 DAYS).

D. FORCE PROTECTION/COMBATING TERRORISM. THE THREAT LEVEL THROUGHOUT THE CENTRAL AMERICAN REGION IS LOW FOR TERRORISM AND HIGH FOR CRIME. SUPPORTING CINCS AND SERVICES WILL ENSURE DEPLOYING FORCES ARE AWARE OF THREAT LEVELS SET BY USCINCSO THROUGHOUT THE AOR AND WILL ENSURE FORCES COMPLETE USCINCSO

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REQUIRED PRE-DEPLOYMENT TRAINING, TO INCLUDE ANTITERRORISM TRAINING. COMMANDER, JTF-B WILL ENSURE SECURITY AND FORCE PROTECTION MEASURES ARE IN PLACE AND DEPLOYED FORCES RECEIVE APPROPRIATE LEVEL TERRORIST AWARENESS TRAINING UPON ARRIVAL AND, AS REQUIRED, THROUGHOUT THE LENGTH OF DEPLOYMENT IN THE CENTRAL AMERICAN REGION.

E. WEAPONS. FORCES WILL DEPLOY WITH PERSONAL WEAPONS. MEMBERS ARE NOT AUTHORIZED TO CARRY OF SHIP PRIVATELY OWNED WEAPONS OR AMMUNITION.

F. RULES OF ENGAGEMENT (ROE). CJCS STANDING ROE APPLY. REQUEST SUPPLEMENTAL ROE AS NECESSARY.

G. HUMAN RIGHTS TRAINING. DEPLOYING MEMBERS WILL RECEIVE HUMAN RIGHTS TRAINING AND INDOCTRINATION PRIOR TO DEPLOYMENT. TRAINING WILL INCLUDE, AT A MINIMUM, READING AND UNDERSTANDING USCINCSO POLICY MEMO 1-96. MEMBERS WILL ALSO BE ISSUED THE USSOUTHCOM HUMAN RIGHTS CARD, SC FORM 165, DATED 28 AUG 96. US PERSONNEL WILL STRESS THE IMPORTANCE OF ADHERING TO HUMAN RIGHTS PRINCIPLES WHEN INTERACTING WITH ALLIED-NATION PARTICIPANTS DURING ALL ASPECTS OF DEPLOYMENT.

H. DIRLAUTH ALCON. KEEP THE JOINT STAFF INFORMED.

I. USE OF JOPES IS DIRECTED. PID IS 698DA. GTN WILL BE USED TO PROVIDE IN TRANSIT VISIBILITY. VALIDATION WILL BE IN NEWSGROUP CRISIS.SOUTHCOM.DISREL (LOWER CASE).

J. CJCS PROJECT CODE TO BE USED FOR THIS DEPLOYMENT IS 3JU.//

GENTEXT/ADMIN AND LOG/

10. COMMERCIAL AND MILITARY AIR AUTHORIZED. AIRLIFT AND MOVEMENT PRIORITY: 1B1.

11. FUNDING. THE JOINT STAFF WILL NOT PROVIDE FUNDING.

A. THE PRESIDENT HAS DIRECTED THE DRAWDOWN OF DEFENSE ARTICLES AND SERVICES UNDER SECTION 506(A)(2) OF THE FOREIGN ASSISTANCE ACT. CINC COMPONENTS WILL FUND THEIR PARTICIPATION IN RELIEF EFFORTS USING SERVICE FUNDS. CINC COMPONENTS OR PARENT SERVICES SHOULD PREPARE TO ABSORB THESE COSTS FROM OPERATING BUDGETS. CINC COMPONENTS SHOULD CAPTURE INCREMENTAL COSTS.

B. DRAWDOWN OF DEFENSE ARTICLES AND SERVICES.

(1) THE DRAWDOWN EXORD (REF E) PROVIDES DETAILED DEFENSE SECURITY COOPERATION AGENCY (DSCA) GUIDANCE. DSCA WILL AMEND GUIDANCE AS REQUIRED BY SEPCOR.

(2) NEW CONTRACTS AND NEW PURCHASES ARE NOT ALLOWED, WITH THE EXCEPTION OF COMMERCIAL AIR TRANSPORTATION CONTRACTS WHEN DEEMED MORE ECONOMICAL UNDER DRAWDOWN AUTHORITY.

12. PUBLIC AFFAIRS. AN ACTIVE PUBLIC AFFAIRS POSTURE IS APPROPRIATE. UNIT MEMBERS ARE NOT AUTHORIZED TO DISCUSS CLASSIFIED SENSITIVE INFORMATION WITH THE MEDIA. INFORMATION PROVIDED TO THE MEDIA WILL BE COORDINATED THROUGH THE JTF-B PUBLIC AFFAIRS OFFICE, WHICH WILL ASSIST WITH LOCAL PA SPECIALISTS. SCPA POC IS LT JANE CAMPBELL, USN, COMM 305-437-1206/1202/1213/, DSN 567-1206/1202/1213, FAX 567-1244/1241. OASD (PA) POC FOR MEDIA QUERY IS LTC BILL DARLEY, COMM (703) 697-1848, DSN 227-1848. DOD PUBLIC AFFAIRS POC IS LTC STEVE CAMPBELL, COMM

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APPENDIX INTRO-5: SECRETARY OF DEFENSE MEMORANDUM, SUBJECT: FUNDING ENHANCED NEW HORIZONS IN CENTRAL AMERICA AND THE DOMINICAN REPUBLIC

UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

DEC 29 1998

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE

SUBJECT: Funding Enhanced New Horizon Exercises in Central America and the Dominican Republic

The Deputy Secretary has approved an Enhanced New Horizon exercise program to strengthen Reserve Component training and support Phase III reconstruction activities throughout Central America and the Dominican Republic in the aftermath of Hurricanes Mitch and Georges. Although I expect the President to submit a supplemental funding request to Congress to recover the incremental cost of DoD's effort related to these hurricanes, we need to begin implementing the enhanced exercise program immediately to get the greatest benefit from these training opportunities.

Since supplemental funding will not be received prior to the start of these exercises, the Enhanced New Horizon program will be funded initially by the participating Components in line with funding procedures already in place for the planned New Horizon exercise program. Specifically, this requires the Joint Staff to fund all transportation (lift) costs from within the Joint Staff exercise program; the Military Departments to fund predeployment, operations, and sustainment costs; and the National Guard Bureau (and other participating Reserve Components) to fund military pay and allowances. As you realign funds to support this enhanced training program, please work to minimize operational impacts to other missions pending receipt of supplemental funding.

William J. Lynn

APPENDIX INTRO-6: PRESS BRIEFING BY SECRETARY OF THE ARMY LOUIS CALDERA AND COMMANDER AND CHIEF OF SOUTHERN COMMAND GENERAL CHARLES WILHELM

THE WHITE HOUSE
Office of the Press Secretary
(Tegucigalpa, Honduras)

For Immediate Release

March 9, 1999

PRESS BRIEFING BY
SECRETARY OF ARMY LOUIS CALDERA
AND COMMANDER AND CHIEF OF SOUTHERN COMMAND
GENERAL CHARLES WILHELM

Hotel Maya
Tegucigalpa, Honduras

2:35 P.M. (L)

MR. HAMMER: Good afternoon. Thank you for coming. Today we are going to be having a briefing by Secretary of the Army, Louis Caldera; and Commander in Chief of Southern Command, General Wilhelm. They will be focusing on the military -- the U.S. military's efforts in direct response to Hurricane Mitch, the initial immediate assistance that was provided and also the reconstruction that is still ongoing.

So now, Secretary.

SECRETARY CALDERA: I'm Louis Caldera, Secretary of the Army. Immediately after Hurricane Mitch occurred, the Secretary of Defense, Bill Cohen, asked me to come down as his personal representative, to look at the efforts that the U.S. military was doing, to make sure that General Wilhelm had all the support and all the resources in the Pentagon to help support this mission.

This is my third trip down here to Central America, a tremendous difference from when I came on that first trip early in November -- everything was still flooded and you could see long stretches of road. But there were no cars on the road because eventually the road would end up

into a bridge that had been washed away. Today, as General Wilhelm will tell you, so many of those bridges have been rebuilt and the country reconnected, so that commerce and movement of people and goods to jobs can begin again.

The President today -- I want to just reemphasize two of the things that he said, that General Wilhelm will cover: one, the tremendous contribution that U.S. service members have made here. Close to 6,000 active duty components, service members from all of the services were here from the very initial life-saving phase to the transition phase. And more will be coming over the next several months.

One of the things that the President announced today was that Operation New Horizons, which is our National Guard training effort, will bring some 20,000 National Guardsmen and Reserve soldiers between now -- some of them have already arrived -- and August of this year, to all of the countries here in Central America to continue the outreach effort. That's a tripling of the size of the project that we had already envisioned -- even before the hurricane had occurred.

He also announced today, in recognition of the tremendous job that our service members had made, that the Humanitarian Service Award would be given to every service member who participated in this mission -- a mission which now, in his words, is the largest humanitarian mission the United States has been involved in since the Berlin Airlift.

Today, our country has committed some quarter of a billion dollars of resources, just through the Department of Defense, through those active duty and Reserve component service members, to support our neighbors here in Central America. That was tremendously appreciated by the people here, working hand in hand with the Honduran military and civil agencies to make sure that that assistance gets to where it is most greatly needed.

With that, I'd like to introduce the Commander in Chief for Southern Command, who's been responsible for overseeing this operation, General Charlie Wilhelm.

GENERAL WILHELM: Good afternoon, ladies and gentlemen. My name is

General Charlie Wilhelm and I am the Commander in Chief of the United States Southern Command. I'd like to take just a couple of minutes to briefly review with you the activities that the Department of Defense has been engaged in, is engaged in, and will conduct over the balance of the fiscal year to help the four nations of Central America recover from the damages that were brought by Hurricane Mitch.

I would start first by scoping the disaster itself. You may be in possession of these figures and statistics already, but I'll try to perhaps relate them in

an historic context in the ways that I try to explain them in the United States.

First of all, as I think you're aware, the National Weather Service has categorized this as the most destructive storm to hit Central America in more than 200 years. At this moment, we count more than 8,200 dead in Central America, and more than 9,300 missing. Now that four months have elapsed, there's very little hope for those 9,000 plus who are unaccounted for. So, in historic context, that's 17,000 lives lost, which is equal to the total United States losses during the Korean War.

I think it's also meaningful to note that this was a storm that caused devastation over a very large area. Just two weeks ago, we looked to a tragic set of circumstances in Colombia when the earthquake struck near Perrera (phonetic) and near Armenia (phonetic). One thousand lives were lost there, 3,000 people injured, and it had an undeniable economic impact on a small part of Colombia. There is where we encountered the difference.

This storm -- and this is based on our imagery systems, which enable us to really gauge the magnitude of the damage -- affected 40 percent of the landmass of these four nations, Guatemala, Nicaragua, Honduras, and El Salvador. So it was a very, very wide-reaching calamity.

What did we do about it? We put together an operation which we have conducted in three phases. We termed these phases, first, the emergency phase, which began on the 26th of October when the storm first settled over the Bay Islands just north of Honduras; and that phase ran for roughly 30 days through about Thanksgiving, and we termed that the emergency phase of our operations.

The objective during the emergency phase was first to save lives. And I'll return to that in a minute. And then second, it was to get the necessities of life -- food, clothing and shelter -- to stranded elements of the population of the four countries who were cut off from the capitals and from other sources of aid by the loss of road networks and bridges.

I mentioned lives saved. During the early days of the disaster, our people saved 1,052 lives. That begs the question, how can you be that specific? Those numbers are compiled from the mission reports that were filed by our helicopter pilots and by members of our Special Operations forces who flew in on Blackhawk helicopters and, in a very few words, put the tires down on those last few meters of dry land before a combination of a coastal surge from the ocean and runoff from the mountains swept whole families under water.

Also, we put Zodiac rubber boats in the northern portions of Honduras, and they literally motored from rooftop to rooftop, pulling families off of

those last pieces of high ground and delivering them to safe havens, places where the waters wouldn't reach them.

I have been told that the rainfall in some places was 84 inches in five days -- 7 feet in five days. So the magnitude of the flooding was enormous.

During those first 30 days, we delivered over 3.75 million pounds of food throughout Central America to isolated communities; 65 tons of medical supplies; and over 120,000 gallons of potable water. As I have pointed out frequently, the whole issue of water is a very important one. The storm and the high waters and the flooding claimed 17,000 lives. As soon as the waters began to recede, our attention immediately refocused on the aftermath of the storm and all the foul wells and the contaminated water. And we feared outbreaks of epidemic proportions of typhus and cholera. So we worked very hard to get fresh water to the people.

Little anecdotes are sometimes helpful to understand precisely what we did. I recall on a Saturday morning, after having conducted one of my first visits here, in early November, making a short presentation in Miami, trying to generate some support in the United States for what was going on here, and I got a call from President Carter. President Carter had just visited the region, and when I returned his call he said, you know, we must do something about the dirty water and those little plastic bottles are not going to get the job done. What can we get to the people of Central America so that they can purify their own water?

Thinking back many years ago, when I was a young lieutenant in Vietnam, I remembered taking two iodine tablets, putting them in a canteen of water, shaking it up and then letting it sit for about 30 minutes. It tasted horrible, but the water did not make you sick. The bottom line of this little anecdote is that within 36 hours, we had 70 percent of the national inventory of iodine tablets in the United States en route to Central America.

So through a few selective statistics and one or two anecdotes, that was phase one, the emergency phase.

The second phase of our operation we termed the rehabilitation phase. And in very simple terms, during the rehabilitation phase what we sought to do was to make quick fixes to the infrastructure throughout Central America so that the nations could start to tend to the essential health and welfare needs of their populations themselves. During this phase of the operation, our troop strength peaked and at about Christmas, which is a good benchmark date, we had about 5,900 troops on the ground here in Central America, providing a wide range of service and assistance functions for the population.

You may recall that when the First Lady visited in early December she forecasted 5,700, so she was very, very close to our final peak strength.

During that phase of the operations, and I should say during this phase of the operations because we are just on the verge of concluding it, we undertook 67 major engineer projects throughout the region. By and large, these involved the rehabilitation and restoration of roads and bridges; we reclaimed well over 100 wells, cleansing them, resleeving them, and making them suitable sources of drinking water. We built several clinics from the ground floor up where medical treatment facilities were lost, which serviced entire segments of the population. And the President just visited the Juan Ramon Molina Bridge here in Tegucigalpa. That was one of four very large bridges that we put in in Honduras, and that bridge had to be replaced to reunite the two sides of Tegucigalpa, the capital city.

We are standing now on the verge, or not -- really not on the verge, we've actually commenced phase three of the Department's involvement in the Central American recovery undertaking. And as Secretary Caldera mentioned, this is where we really have a changing of the guard, in a manner of speaking. The active component forces who have been heavily involved in the emergency and rehabilitation phase are now being replaced by Guardsmen and Reservists. As the Secretary mentioned, between now and over the summer, we will deploy over

members of the Guard and Reserve, and they will build a total of 33 schools, 12 clinics. They will repair 52 more roads and bridges. They will drill 27 high capacity wells. And very importantly, they will conduct 40 very large medical outreach programs during which we expect that we will establish somewhere between 70,000 and 100,000 patient contacts.

This exercise is significant for two reasons. First, this is the premier training event of the year for our Guardsmen and reservists. And secondly, the work that our engineers, medics, and logisticians do will remain long after they leave, benefitting the populations of these four countries.

I might add that those 23,000 Guardsmen and Reservists come from 45 states. So, essentially, the entire continental United States will become involved in the recovery operations here in Central America.

Normally I do this with some charts. Unfortunately, they didn't make it here today. But I think I've given you some of the little data bits which might prove interesting and probably do as good a job as anything else I could say of really kind of scoping the effort here in Central America.

Thank you for your attention. And I suspect the Secretary and I will take questions now.

Q General, could I ask you a question about the aid? President Clinton keeps talking about the $900 million that he is asking for. What in that package would play into what you want to get done in this last phase?

GENERAL WILHELM: The total defense commitment -- this last phase has a price tag of $70.3 million; $56 million of that is for the deployment and redeployment of the forces and to provide the wherewithal, the materials to

construct all of these projects. And we have also requested $14.3 million to pay Guard and Reserve pay and allowances. Overall, the Department has invested $215.3 million in these undertakings throughout Central America.

Q Will you be crippled without this new appropriation that apparently is emergency money, but it's not being passed with any kind of speed?

GENERAL WILHELM: I would certainly offer the observation that the quicker we can get reimbursed the better. We have the green light. The President has approved these operations. I should say there are over 1,100 people in country right now. School walls and clinic walls are going up as we speak. Those are Guardsmen from Louisiana and from South Carolina. There are contingents rolling in from Missouri right now to replace them. So we're underway, but, yes, the supplemental will be most welcome and very obviously, the sooner the better.

Q How did President Clinton ask for your airplane today? Did he use your aircraft?

GENERAL WILHELM: No. Those are -- I think those are from Air Mobility Command and from the 89th Special Airlift Wing.

Q We were told that was your aircraft, that he flew into the base in.

GENERAL WILHELM: No, ma'am. No, ma'am. Not mine. I don't have one. (Laughter.)

Q It's a great looking plane -- you should ask for one. (Laughter.)

GENERAL WILHELM: Thank you. I will. What's your name, I'll -- (laughter.)

Q General, what was the role of Soto Cano during the 1980s in prosecuting -- or in assisting operations against leftist insurgencies in Central America?

GENERAL WILHELM: Thanks. As I think many of you know, we have had a continuous United States presence in Honduras at the Soto Cano Air Base, since 1983. I would hasten to clarify that that is not a U.S. base. It is

a Honduran Air Force Base and it is also the home of their Air Force Academy. So we are guests of the Honduran Air Force there.

As you correctly point out, during the decade of the '80s that was a base which supported our activities against the insurgencies throughout Central America. Now the forces there have been re-roled and they support the regional engagement activities of Southern Command throughout Central America -- everything from counternarcotics operations to the annual New Horizons exercise program, which is underway now.

So these are largely civil military operations and the training events that we conduct with the militaries of Central America to assist them along the road toward assuming their rightful role in a democracy. So Soto Cano is very important to us.

Q One other factual question. You said that at its peak, the U.S. military troops involved in relief work here were 5,900. Roughly, how many are here today?

GENERAL WILHELM: We are down -- what I refer to as the phase two force, the active component -- there were 49 Marines at the bridge this morning who will be leaving on Friday. And then we have -- our normal component at Soto Cano, is 499. That is a precise number, with a few additional.

But, again, the force and numbers now are the Guard and Reserve and there are between 1,100 and 1,200 Guardsmen on the ground today. So, 1,100 plus 500 plus the 50 Marines who are preparing to leave.

SECRETARY CALDERA: Let me underscore how important it was for us to have those soldiers at Soto Cano. There were 500, approximately 500 who are permanently stationed there -- that is what their place of duty is. And when the hurricane first came through, of course, they were hit by the hurricane. As it moved on they were able to immediately get their helicopters up in the air and move toward the northern part of the country, where the hurricane had already passed through, to begin that operation of starting to save lives.

There were other parts of Honduras where they could not fly to because the hurricane was still there and they could not fly toward Guatemala. But it gave them that ability to immediately begin that life-saving process. And in those early days, frankly, what I was hearing was, why can't we get more helicopters there sooner?

Because they're so critical to getting out to those remote locations that could not be reached by any other way other than by helicopter -- both in pushing out emergency supplies, in saving lives of people from high-rising waters, and in medivacking out individuals who had been severely injured and needed desperately to have medical attention for their wounds. For

those same helicopters that were pushing out emergency supplies and plastic sheeting for the 3 million people who had lost their homes, could then use the same helicopter to bring back individuals who needed to be medivacked out.

So it was very critical to the response to this disaster. It certainly is critical to our engagement strategy with all of the democracies that exist here in Latin America and South America and with the very important mission that we all share in counternarcotics that is so important to our country, as well.

Q General, you all gave a pretty complete timeline of the things that the military did, day by day. I was a little curious if on Saturday, October 31st, you all rescued President Flores? Can you jog my memory here? I don't recall the details.

GENERAL WILHELM: Well, the facts, as best I know them, was that both President Flores and Mrs. Mary Flores, his wife, had left Tegucigalpa and had gone into some stricken areas of the country. At this time the water was still rising, this was 31 October -- the rains hadn't even stopped. As I understand it, they found themselves cut off from both sides by rising water. And a Blackhawk helicopter went in and pulled the President and Mrs. Flores out and took them back to Tegucigalpa. As you know, it was a very tough time. The Mayor of Tegucigalpa, who was a much beloved man, was tragically killed in a helicopter crash trying to visit some of his constituents in and around the city. So to have lost the President at the same time would have been doubly tragic.

Q General, do you find that engaging in rescue and relief operations in any way diminishes the capacity of your personnel to serve and to mount that operation? GENERAL WILHELM: No, not at all. If you look at the forces that are here right now, these are principally engineers, they're medics, they're military policemen, and these are flight crews. Some of the flying, because of marginal weather -- which normally associates itself with these kinds of disasters -- that's a stressing experience for the air crews. Going into what we call confined area landing sites -- CALS -- which is precisely what I was talking about, that last meter of dry land and that rooftop. Those are very demanding missions.

So, no, it doesn't blunt their combat edge at all. And then for the combat service support troops who are doing the construction, this is their mainstream business and line of work. So, no -- if anything, we're sharpening the edge here.

Q I just wanted to find out what the extent of anti-narcotics activity is going on in --

GENERAL WILHELM: Yes. In fact, today, we're involved in an operation which covers all of Central America, which we refer to as Central Skies. Central Skies actually staged out of Soto Cano, and during this operation it's not an exercise, it's an operation -- the United States is providing tactical transportation assets -- helicopters -- to support the movement by drug and law enforcement officials from all of the nations of Central America, helping them to get to key points where they can interdict this flow of drugs, perhaps hit warehousing areas. So Soto Cano was a very, very important center for that. And the first phase of that operation was a training period where we acquainted the host nation DLEAs -- the drug law enforcement agencies -- with our mobility procedures and how they would actually function in and around our aircraft. So, again, Soto Cano, as the Secretary pointed out, was very central to that effort.

Q Is the training over, the operation --

GENERAL WILHELM: The training is over and the operation has begun, and it is rotating through the nations of Central America right now.

MR. HAMMER: Thank you. That's all the time we have today. Thank you, Mr. Secretary. Thank you, General.

APPENDIX INTRO-7: WHITE HOUSE FACT SHEET

F A C T S H E E T

HURRICANE MITCH:
The United States Responds to Central America

February 16, 1999

Following their visits to Central America in the aftermath of **Hurricane Mitch**, the First Lady and Mrs. Gore today announced the President's supplemental package of nearly $1 billion in emergency disaster assistance. The supplemental package, which was developed in close bipartisan consultation with the Congress, will be directed primarily to help the Central American nations cope and rebuild after **Hurricane Mitch**, the worst natural disaster in their history.

The United States responded immediately after the Hurricane hit late last October, and has continued to maintain these efforts in the months that have followed. To date, the United States has already provided $300 million in aid. U.S. military and civilian agencies have played a critical role, working with the governments of Honduras, Nicaragua, El Salvador and Costa Rica and a number of international and local non-governmental organizations to help provide food, water and relief supplies; to distribute seeds and tools; to repair water systems and road and bridge networks; and to provide medical assistance.

Key components of U.S. assistance to date are:

RELIEF

In the immediate aftermath of the hurricane, President Clinton directed personnel and resources from the military and civilian agencies of the U.S. government to support relief and rehabilitation efforts in Central America.

U.S. Agency for International Development (USAID)

USAID has provided almost $92 million in food and other relief assistance.

On February 11, USAID provided $4.1 million to the International Organization for Migration to construct and administer ten transitional shelters for displaced people in Honduras. This assistance will provide alternative shelter to an estimated 25,000 people living temporarily in schools, allowing the schools to open by March 1.

This new assistance is in addition to $30 million from USAID's Office of Foreign Disaster Assistance to provide health care, repair water and sanitation systems, restore agricultural production and support road rehabilitation activities. The funds were also used to transport and deliver a variety of relief commodities including shelter materials, water containers and blankets.

USAID has provided $52 million in food aid, meeting 50 percent of the overall food needs. Under the PL 480 Title II food aid program, USAID's Office of Food for Peace (FFP) will provide 60,000 metric tons of food to 800,000 Hondurans through next summer, 19,700 metric tons of food to 300,000 Nicaraguans for six months and 7,600 metric tons of food for 60,000 Guatemalans for six months. The total food allocation also includes a $1 million contribution to the World Food Program's appeal for El Salvador.

A grant of $5 million has helped revitalize small businesses impacted by the hurricane.

Joined with a $12 million contribution from the Inter-American Development Bank, these funds will rebuild workplaces, reestablish inventories and generate employment.

U.S. Department of Defense

The Department of Defense has spent nearly $150 million to support relief and rehabilitation efforts in Central America.

At the height of the relief effort, 5,300 military personnel were in Central America, representing the four armed services and their reserve components. Today, Joint Task Force Commanders in Honduras and El Salvador remain active in the region, coordinating the U.S. military response. U.S. Active Duty, Reserve and National Guard forces will be present in Central America through September to build schools and clinics, drill wells and repair additional roads and bridges, as part of an engineer and medical field training exercise called New Horizons.

Military personnel rescued more than one thousand people trapped by flood waters and provided medical care and immunizations to over 35,000 people. They cleared major roads and bypasses, as well as erecting prefabricated bridges. Military personnel also repaired medical clinics and schools, and provided communities with safe drinking water by building wells.

Military aircraft, including 53 helicopters were deployed throughout the region to assist distribution and delivered more than 3.2 million pounds of food and more than 500,000 gallons of water.

DoD transported to the region almost 8 million pounds of food, clothing, medicine and other relief items donated by American citizens.

U.S. Department of Agriculture (USDA)

USDA is providing food aid and concessional loans, valued at $63 million.

USDA is delivering 120,000 metric tons of wheat for Honduras and Nicaragua, 60,000 metric tons of wheat for Guatemala and El Salvador and 50,000 metric tons of corn for the four countries. It will also provide $20 million in grants to Honduras and Nicaragua for the purchase of beans, vegetable oil, rice, and other basic commodities; and $10 million in Title I concessional loans for food purchases for El Salvador and Guatemala.

RECONSTRUCTION

USAID has already identified an initial $120 million within its own budget to support reconstruction efforts in Central America by reprogramming existing food and other funding and reallocating recently appropriated fiscal year 1999 assistance. These funds will help rehabilitate transportation infrastructure, restore public utilities, support health care, reestablish crop and livestock production and revitalize the economic sector. Of this, USAID will channel $66.6 million to programs in Honduras, $32.4 million for reconstruction in Nicaragua, $16.0 million for El Salvador and $5 million for Guatemala. USAID has also engaged with the private sector to leverage contributions and investments in Central America reconstruction. In total, more than one dozen Cabinet agencies will be involved in the relief efforts: for example, the Department of Health and Human Services will continue to take active measures to advance public health, and the Department of Agriculture will assist with farming recovery and land use planning.

DEBT RELIEF

The International Monetary Fund has estimated that the external financing needs of

Honduras and Nicaragua -- the two nations hardest hit by **Hurricane Mitch** -- will be approximately $1.4 billion over the next several years. Assisting these countries in filling this gap is essential to their recovery. Steps to do so include:
The United States. and other creditor nations will relieve Honduras and Nicaragua from debt service obligations until 2001. The United States will urge other creditors to provide similar relief.
The Administration expects that the international financial institutions will also contribute substantial amounts to help meet external financing needs, as will the World Bank-managed Central American Emergency Trust Fund. The Administration will work with Congress to provide a significant contribution to this trust fund. Combined, these efforts could provide more than $1.5 billion in debt relief. In addition, U.S. agencies will work with major donors and lending institutions to provide debt forgiveness of up to 67% of eligible debt for Honduras and up to 90% for Nicaragua.

TRADE

On February 10, the Overseas Private Investment Corporation and Citibank signed a $200 million loan facility for Central America and the Caribbean. Under this initiative, Citibank will extend medium and long-term loans to small and medium size businesses in the region. In addition to the Administration's Caribbean Basin Initiative enhancement proposal , the United States plans to submit to the Senate bilateral investment treaties with Nicaragua and Honduras.

http://www.whitehouse.gov/search?NS-search-page=document&NS-rel-doc-name=/WH/New/centralam/fsheet1.html&NS-query=Hurricane+Mitch&NS-search-type=NS-boolean-query&NS-collection=Entire%20Web%20Site&NS-docs-found=60&NS-doc-number=5

APPENDIX INTRO-8: COUNTRY INFORMATION - HONDURAS

The following general information is provided on the country of Honduras:[1]

Honduras is a constitutional democracy, with a president and a unicameral congress elected for 4-year terms. President Carlos Flores Facusse took office on January 27, 1998, as the fifth democratically elected President since the reestablishment of democracy in 1982. The two major political parties, the Liberals and the Nationalists, have alternated in power peacefully after free elections. The judiciary is independent but is often ineffective and subject to outside influence.

The Honduran Armed Forces (HOAF) comprise the army, the air force, and the navy. The Congress in 1996 ratified a constitutional amendment to sever the Public Security Force (FUSEP), a paramilitary police force, from the HOAF. The police were transferred to civilian control in 1997; new legislation concerning how the civilian police force will function is expected to be approved in 1998. The armed forces operate with considerable institutional and legal autonomy, particularly in the realms of internal security and military affairs. The Government in 1993 established an Ad Hoc Commission on Police and Judicial Reform in response to credible allegations of extrajudicial killings by members of the FUSEP, particularly its National Directorate of Investigations (DNI). That decision led the Government to establish a new Public (Justice) Ministry charged with administering a new Directorate of Criminal Investigations (DIC) to succeed the DNI. Human rights organizations, including the Government's National Commissioner for Human Rights, acknowledge that reports of human rights abuses have steadily declined since the DNI was abolished; however, members of both the armed forces and the police continue to commit abuses.

The economy is based primarily on agriculture, with a small but increasingly important maquiladora (in-bond processing for export) industry that accounts for some 90,000 jobs. The armed forces play a role in the national economy through their pension fund, controlling some enterprises usually associated with the private sector, including a bank, several insurance companies, and one of two cement companies. However, some state enterprises, such as the merchant marine and the national telephone company, have passed from military to civilian control. Approximately 43 percent of workers engage in agriculture; about one-third of those work on large plantations.

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[1] U.S. Department of State, *Honduras Report on Human Rights Practices for 1997*, released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

The principal export crops are coffee and bananas, which are the leading sources of foreign exchange; nontraditional products, such as melons and shrimp, also play an increasingly important role in the economy. Annual per capita income is about $700; the Government estimates that 65 percent of its citizens live in poverty.

APPENDIX INTRO-9: COUNTRY INFORMATION - GUATEMALA

The following general information is provided on the country of Guatemala:[1]

Guatemala is a democratic republic with separation of government powers and a centralized national administration. The 1985 Constitution provides for election by universal suffrage of a one-term president and a unicameral congress. It also mandates a Human Rights Ombudsman (PDH), who is elected by and reports to the Congress. In the November 1995 elections for president, vice president, congress, and municipal offices, the National Advancement Party (PAN) won 42 of the 80 congressional seats; however, no presidential candidate received an absolute majority of the votes. Alvaro Arzu Irigoyen of the PAN won the runoff presidential election and took office in January 1996. Reflecting a greater opening for political activity, 24 parties, including a broad front coalition composed of civic, human rights, and labor leaders, campaigned in the free and fair elections. The judiciary is independent, but suffers from inefficiency and corruption.

The Arzu administration ended 36 years of internal conflict by signing a comprehensive peace agreement with the Guatemalan National Revolutionary Unity (URNG) guerrillas on December 29, 1996. Implementation of the Peace Accords began almost immediately: Demobilization of the URNG guerrillas was completed in May, the Mobile Military Police (PMA) were disbanded ahead of schedule, and the Government reduced the size of the military forces. As called for in the accords, the Government proposed and Congress enacted a wide-ranging series of legal reforms to protect human rights, strengthen civilian control of the military, address discrimination against the indigenous population, and lay the groundwork for further political and socioeconomic reforms. In the wake of the final Peace Accords, the mandate of the U.N. Human Rights Verification Mission (MINUGUA), established in November 1994 to monitor compliance with the Government-URNG human rights accord, was expanded to include peace implementation issues. The December 1996 National Reconciliation Law, which provided amnesty for some acts related to the internal conflict, has been narrowly interpreted by the courts and its constitutionality was upheld on October 8.

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[1] U.S. Department of State, *Guatemala Report on Human Rights Practices for 1997*, released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

The Minister of Government oversees the National Civilian Police (PNC) created in January under the terms of the Peace Accords, which has sole responsibility for internal security. There are no active members of the military in the police command structure, but President Arzu ordered the army to support the police in response to public concern about a nationwide wave of violent crime. The Presidential Military Staff (EMP) continued to exercise a law-enforcement role. Some members of the police and security forces committed human rights violations.

The agricultural-based, private sector-oriented economy grew by approximately 5.0 percent in real terms. Coffee, sugar, and bananas are the leading exports, and more than half the work force is engaged in agriculture. Inflation was about 9 percent in 1996. There is a marked disparity in income distribution, and poverty is pervasive, particularly in the large indigenous community. According to U.N. statistics, approximately 80 percent of the citizens live in poverty, with 59 percent in extreme poverty. Per capita gross national product was approximately $1,450 in 1996.

APPENDIX INTRO-10: COUNTRY INFORMATION - NICARAGUA

The following general information is provided on the country of Nicaragua:[1]

Nicaragua is an extremely poor country, with an estimated per capita income of $465. The economy is predominantly agricultural, dependent on sugar, beef, coffee, and seafood exports, with some light manufacturing. The economy grew an estimated 5 percent in 1997--the fourth year of growth after a decade of contraction. The inflation rate was about 8 percent. The unemployment rate was officially estimated at 14 percent, with underemployment reaching 35 percent. Private investment increased, but was hindered by the slow resolution of long-standing property disputes stemming from massive confiscations by the Sandinista government of the 1980's. In November the National Assembly passed a new property law intended to resolve confiscated property claims. The country continued to have a precarious balance of payments position and remained heavily dependent on foreign assistance.

The civil war formally concluded in June 1990 with the demobilization of the Nicaraguan Resistance; however, society continued to be politically polarized and, despite the Government's disarmament campaigns, heavily armed. In particular, the rule of law, basic infrastructure, and conditions to guarantee personal security and economic opportunity did not extend to all rural areas. Reflecting these sources of instability, the level of violence, primarily criminal in nature, has remained high in the traditionally conflictive, poverty-stricken northern and north-central zones. During 1997, there was an average of one murder every 2 days in these areas, according to the press. Although there were no confirmed cases of politically motivated murders of either demobilized former RN members or former members of the Sandinista Popular Army (EPS), criminally motivated murders of members of both groups were common.

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[1] U.S. Department of State, *Nicaragua Country Report on Human Rights Practices for 1997,* released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

APPENDIX INTRO-11: COUNTRY INFORMATION – EL SALVADOR

The following general information is provided on the country of El Salvador:[1]

El Salvador is a constitutional, multiparty democracy with an executive branch headed by a president and a unicameral legislature. Armando Calderon Sol of the Nationalist Republican Alliance Party (ARENA) was inaugurated President for a 5-year term in June 1994. In free and fair legislative elections in March, the former guerrilla organization Farabundo Marti National Liberation Front (FMLN) won a third of the Legislative Assembly seats, leaving the ARENA party with a one-vote plurality. Seven other parties also hold seats, including the conservative National Conciliation Party (PCN) and the centrist Christian Democratic Party (PDC). The Constitution provides for a separate, politically appointed, independent judiciary.

Since the Peace Accords ended the 12-year civil war in 1992, the Government has reduced the armed forces (including civilian employees) by 70 percent; redefined the role of the military, placing it under civilian control; created a new Civilian National Police (PNC); and integrated the former guerrillas into political life. Although its internal policing mission has been eliminated, the military continues to provide support for some PNC patrols in rural areas, a measure begun in 1995 to contain violence by well-armed criminal bands. The professionalism of the PNC generally improved, but the 4-year-old force continues to be understaffed, only minimally trained, and short on practical experience. Members of the police committed human rights abuses.

El Salvador has a market-based, mixed economy largely based upon agriculture and light manufacturing. Some 40 percent of the workforce are in the agricultural sector; coffee and sugar are the principal export crops and major sources of foreign exchange. The growing light manufacturing sector (export processing zones) is dominated by apparel manufacturing and represents the main source of new jobs. The Government is committed to privatization and free market reforms. The economy is open, and private property is respected. The rate of real economic growth was about 4 percent, and per capita gross domestic product was estimated to be $1,930. About 52 percent of the population live below the poverty level.

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[1] U.S. Department of State, *El Salvador Country Report on Human Rights Practices for 1997*, released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

APPENDIX A: LEGAL PREPARATION OF THE BATTLEFIELD (LPB)

Functional Legal Areas / Phases of Operation	Employment of Force	Treatment of Non-Combatants	Staff Integration & Coordination	Money [Contract, Fiscal & Claims]	Force Administration and Support	Force Discipline
Mobilization & Predeployment						
ISB						
Counter Insurgency						
Defend						
Attack						
Post Conflict						

A PROBLEM SOLVING MODEL FOR DEVELOPING OPERATIONAL LAW PROFICIENCY: AN ANALYTICAL TOOL FOR CLARIFYING THE COMPLEX[1]

Teach me and I'll Forget;
Show me and I'll Remember;
Let me do and I'll Understand

The following note is designed to introduce a proposed model for developing operational law problem solving skills. A comprehensive package of materials intended to allow implementation of this model will be available for distribution during the upcoming World-Wide Continuing Legal Education Course at TJAGSA. However, the general framework presented here is offered as a foundation for implementation of such a skill development program.

The genesis of this proposal was the use of this model during an elective in the 46th Graduate Course. This elective focused on a "clinical" approach to developing operational law expertise – application of knowledge previously presented during the core instruction to actual scenario driven events. The concept of building an elective around scenario driven issue resolution originated with Major Rich Whitaker, which became the original "military operations" elective for the 45th Graduate Course. This elective focused on a notional deployment and resolving issues for a Staff Judge Advocate preparing for various aspects of the deployment.

During the next iteration of the elective, the concept of a scenario driven series of operational legal issues was refined in a number of ways. First, the class was divided into six "teams" for the entire six weeks. Each team would work together each week to resolve a designated legal issue, selecting one member to brief a resolution of the issue during the class. Second, the briefing was not presented to a hypothetical Staff Judge Advocate, but instead to a hypothetical Joint Task Force Commander. Third, in order to ensure the problems presented to the students reflected current issues being confronted in the field, representatives from the Center for Law and Military Operations participated in every aspect of the class. The methodology used during this elective to improve operational law expertise seems logically suited to the efforts to improve the skills of Judge Advocate's in the field through the use of Officer Professional Development programs.

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[1] Army Lawyer Note by Major Geoffrey Corn, International and Operational Law Division, The Judge Advocate General's School, US Army. MAJ Corn developed the LPB concept primarily as an *analytical tool* for proactively mapping out—predicting and addressing—the legal issues likely to arise during an operation and its phases. It has a secondary utility as a framework for exercises in operational law, and indeed, currently forms the basis for the second week of the International and Operational Law Division's Operational Law Seminar. Copies of LPB matrices filled in with sample issues/problems and suggested solutions are available from the Department.

The most significant refinement, however, was the organization of the problems. An "analytical template," based primarily on the analytical method used in the tactical intelligence arena, was used to facilitate development of a variety of legal issues for student resolution. Those involved in development of this template quickly came to believe that the template itself had stand alone value. In short, if it facilitated development of legal issues related to a notional operation, couldn't it also be a valuable planning tool for any Judge Advocate supporting a military operation by facilitating the anticipation of legal issues for the operation?

This template, or chart, which is attached at Appendix A and described in detail below, became the foundation for the military operations elective. It was intended to serve two purposes. First, facilitate issue resolution by "pigeon-holing" legal issues into manageable categories. Second, facilitate issue resolution by strengthening the Judge Advocate's ability to anticipate legal issues related to the operation. Development of the template was motivated by a belief that: 1) the scope and diversity of operational legal issues mandated some mechanism to better manage analysis in the operational environment, and 2) an analytical tool that facilitated issue anticipation would greatly enhance the ability of the Judge Advocate to provide proactive legal support.

This model shares a common thread with the "Intelligence Preparation of the Battlefield" analytical – that a systematic approach to anticipating issues is the best way to prepare to resolve those issues when they arise. Anticipating issues in order to facilitate success on the battlefield is the essence of the IPB process. In the operational law arena, a systematic approach to anticipating legal issues might result in a more proactive, versus reactive, delivery of legal support to any given military operation. In short, a Judge Advocate could conduct a "Legal Preparation of the Battlefield," or "LPB," in order to "brainstorm" probable legal issues, and prioritize the order of response to such issues.

A simple graphic tool to manage the diverse range of legal issues likely to be encountered during a military operation is proposed by this article to facilitate this "LPB." This tool takes the form of the chart attached at Appendix A. It creates analytical "pigeon holes" by intersecting each phase of the operation with six "Legal Operating Systems" – broad categories of legal issues likely to be encountered during a military operation. The value of thinking in such "pigeon holes" is two-fold. First, thinking of legal issues in terms of the "phases" of the operation being supported focuses the efforts of the Judge Advocate into the same time-line as supported commanders and their planners. This is an efficiency issue, helping the Judge Advocate to synchronize his or her own planning with that of the command. Second, the "pigeon holes" help the Judge Advocate to manage the tremendous diversity of legal issues he or she will have to deal with during the operation. This in turn makes analysis of these issues

more efficient, and aids in identifying where to focus his or her efforts with other staff elements.

During the military operations elective, use of this analytical tool resulted in the development of thirty-six notional legal issues for student resolution. Each class session consisted of analysis of six of these issues. Analysis and issue resolution was conducted by student "teams." According to the students who took the elective, there was great learning value in working in teams to resolve specific legal issues for a notional commander. Because the issues were intended to represent command initiated concerns, they were not phrased with the legal precision normally associated with "seminar" problems. Instead, they were in many cases intentionally vague, forcing the students to seek further clarification on the precise nature of the commanders concern.

Each week the class focused on a different phase of a notional operation, based on the Joint Readiness Training Center scenario. The six phases covered were pre-Deployment, Intermediate Staging Base, Counter-Insurgency, Defense, Offense, and Post-Conflict Stability Operations. During each of these "phases," each of the six groups was assigned a legal issue from one of the six Legal Operating Systems: Methods and Means of Warfare, Non-Combatants, Rules of Engagement, Money Issues (fiscal, contract, and claims), Administrative and Legal Assistance, and Staff Coordination. Each group would "brief" the commander for approximately ten minutes on the resolution of the question presented, and also prepare a one to two page fact sheet for the rest of the class. The briefing was deliberately interactive, with the "commander" probing the briefer, and emphasizing the limited time available for the briefing. After the briefings, the class would participate in a "hot wash" of the proposed resolution.

The success of the process used in the class, for which the outstanding efforts of the students was primarily responsible, led to some "brainstorming" with the Center for Law and Military Operations on how the model might be offered to a wider audience. One concept suggested was video taping sessions, and then using the tape as a "distance learning" tool. However, there was strong consensus that the interactive nature of the briefings would be lost by simply having officers view a video taped session.

The alternative, which this note is intended to implement, was to offer the basic scenario, the template of legal issues, and fact sheets for each issue (a solution), to Staff Judge Advocates for use as the foundation for an operational law OPD program. The proposed concept is for SJA's to use their Operational Law attorneys as the program coordinator. The process begins with the Ops Law attorney presenting a briefing of the basic scenario, and the hypothetical mission. The SJA will role play the JTF commander, and highlight his or her "intent." The operational law attorney (or OPD coordinating officer) will then create analysis "teams" composed of OSJA personnel. These teams will be given the basic scenario, and one legal issue from a "Legal Operating System"

for phase one of the operation. The next six OPD sessions will see each team briefing the "commander" on resolution of their legal issue for that phase of the operation. The operational law attorney will then distribute copies of the "solution," and along with the SJA "hot wash" the briefings.

There are numerous potential benefits of using this model to improve operational law proficiency. The most significant, however, is placing Judge Advocates in the "do" position. Working through actual problems, and briefing resolution to a notional commander, should greatly enhance understanding of the relevant legal authority related to that issue. Some other benefits might include: improving the expertise of the operational law attorney by requiring him or her to become the "expert" on all issues, exposing Judge Advocates to the type of questioning they might encounter from a commander in an operational environment, and providing the SJA an opportunity to assess the ability of his or her subordinates to deal with such questioning. Finally, and perhaps most importantly, it should enhance the confidence of each Judge Advocate in his or her ability to manage the variety of legal issues encountered during an operation, resolve them efficiently and effectively, and present the resolution to the supported commander and staff.[2]

[2] As indicated above, comprehensive package of materials intended to enable implementation of this training model will be distributed to interested SJA's during the upcoming World Wide CLE. The package will include a basic factual scenario, analysis matrix, proposed "problems," narrative description of each problem to facilitate focusing the analysis, a notional ROE annex, a notional SOFA, and one "fact sheet" type solution for each problem.

EXPLANATION OF THE "LEGAL OPERATING SYSTEMS"

1. The analytical model represented by the attached matrix is built around the concept of categorizing issues into six "Legal Operating Systems," or LOS's. This is adapted from the "Battlefield Operating System" concept. Battlefield Operating Systems (BOS) are broad categories of combat functions used by Army leaders to aid in the planning and execution of combat operations. The seven BOS are intelligence, maneuver, fire support, air defense, mobility and survivability, logistics, and battle command. This list demonstrates that multiple combat functions of various elements of a combat unit are "pigeon holed" into broad categories to make them more manageable. According to FM 100-5, "At the tactical level the battlefield operating systems (BOS), for example, enable a comprehensive examination in a straightforward manner that facilitates the integration, coordination, preparation, and execution of successful combined arms operations."

2. The "Legal Operating Systems" that form the foundation of the Legal Preparation of the Battlefield (LPB) model are intended to serve the same function for the Judge Advocate as the Battlefield Operating Systems serve for the commander - enable a comprehensive examination in a straightforward manner that facilitates the integration, coordination, preparation, and execution of successful [legal support]." The six proposed LOS's are:

   - Methods and Means of Warfare Issues
   - Non-Combatant Issues
   - Fiscal, Contract, and Claims Issues
   - Staff Coordination Issues
   - Administrative and LAO Issues
   - ROE Issues

3. These six categories of operational legal issues are intended to facilitate the delivery of "proactive" legal support. Instead of attempting to randomly consider every potential legal issue related to an operation, the JA can think in terms of broad based systems representing commonly linked legal issues. This will hopefully help focus planning and analysis. When superimposed over the phases of the planned operation, this focus becomes even more defined, and assists the JA in allocating his or her analytical resources in accordance with the phased focus of the supported command. While these six LOS's are certainly subject to modification based on the needs of the JA, a description of each will show that almost all operational legal issues can be covered by them.

a. Methods and Means of Warfare Issues. This LOS is intended to include all the traditional rules related to the "targeting" prong of the law of war. Specifically, any targeting related issues would fall under this LOS. The issues subject to analysis under this LOS range from defining the role of the JA in the targeting process, to analyzing the legal versus policy based application of the law of war, to analyzing the legality of proposed uses of weapons systems.

b. Rules of Engagement LOS. This LOS is intentionally distinct from the Methods and Means of Warfare LOS to reinforce the point that ROE are not necessarily identical to the law of war. While they may be similar in practice, this distinction ensures that the JA analyzes the legality of employing force against both ROE based limitations and law of war based limitations. This LOS includes issues that range from ROE review and development, requests for modifications, ROE training, and the impact of ROE on specific operations.

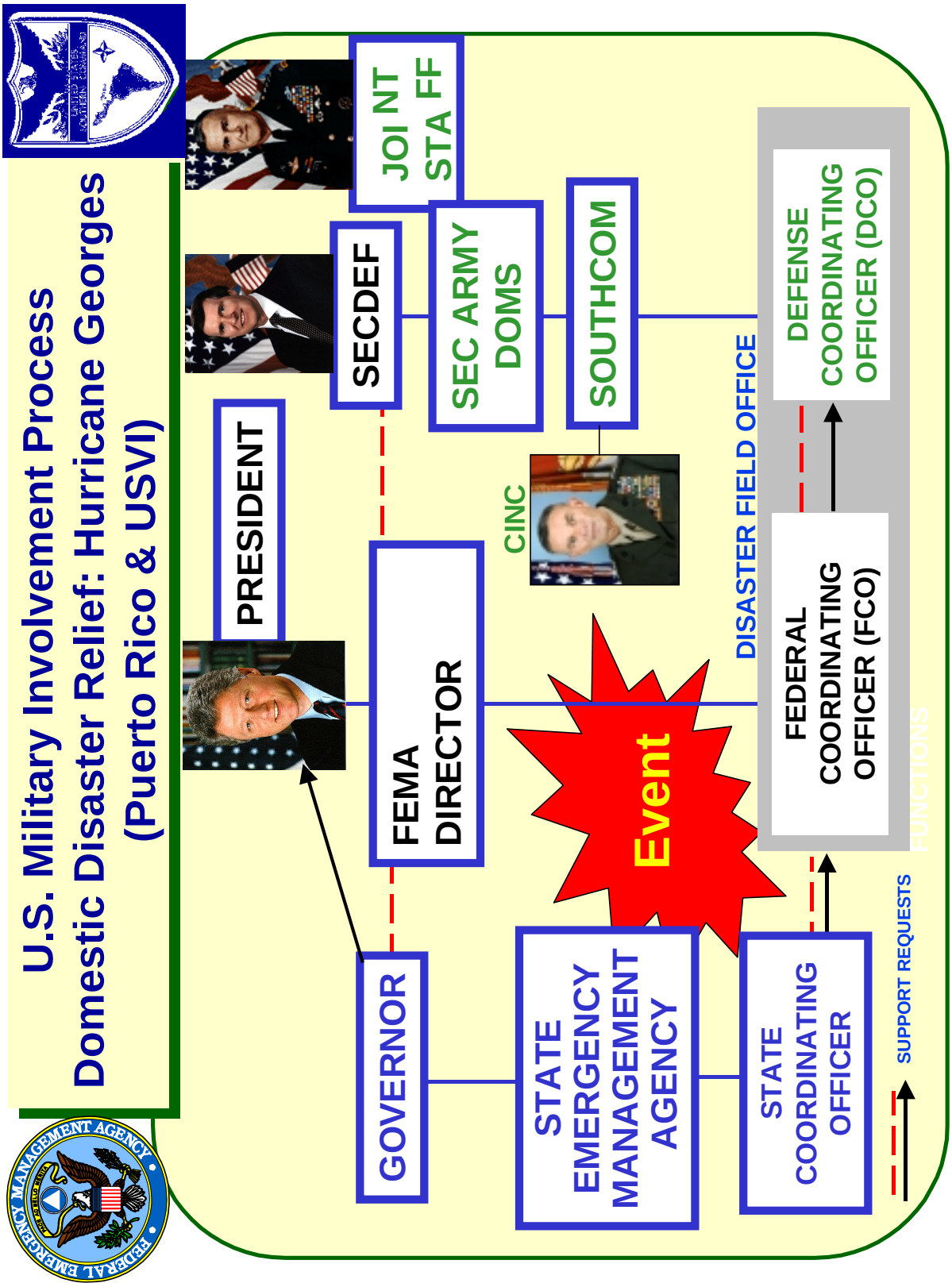
c. Non-Combatant LOS. This LOS includes all issues related to non-combatants during the operation. Issues under this LOS range from human rights obligations towards host nation civilians, to treatment of enemy non-combatants.

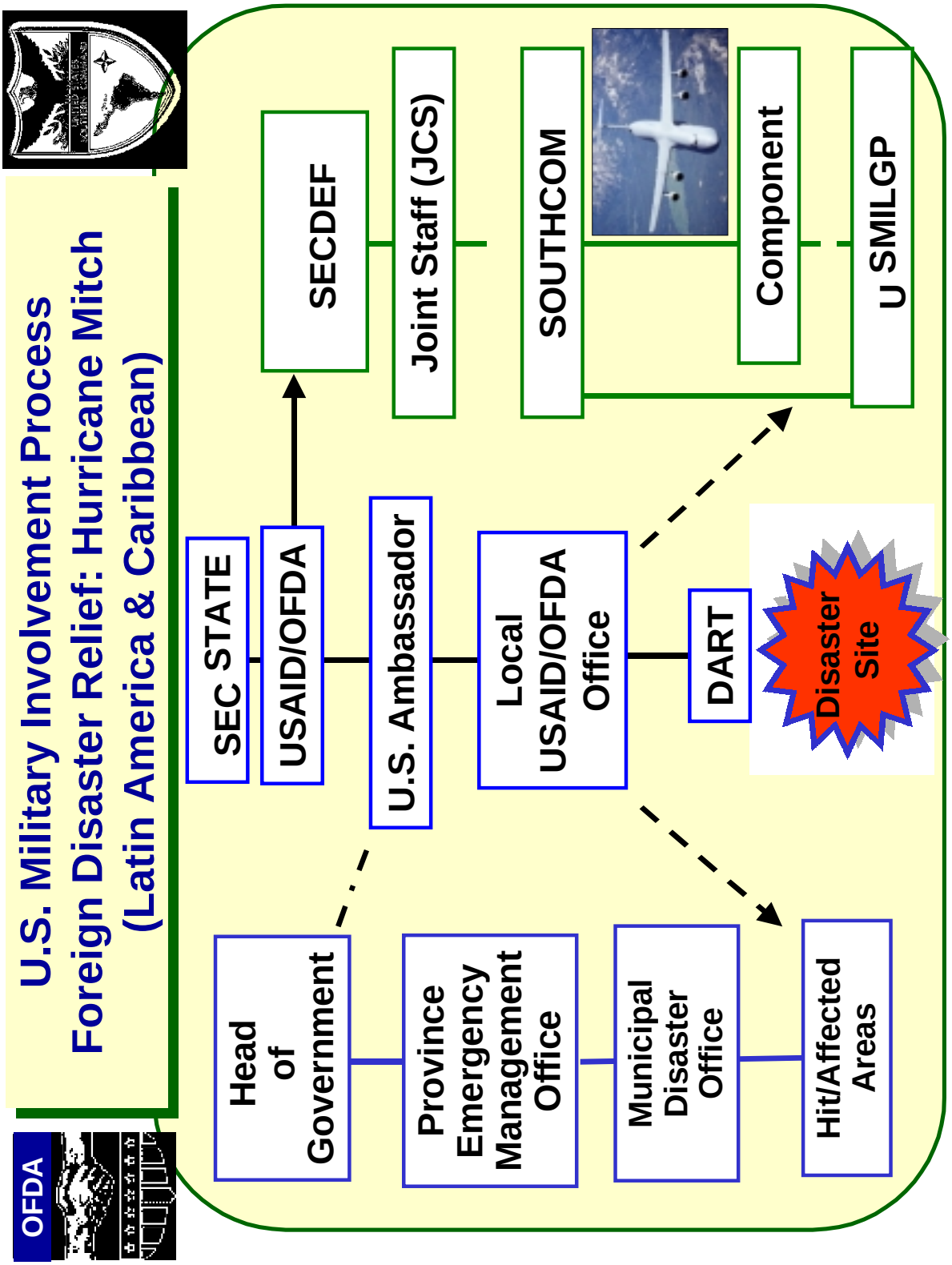
d. Fiscal, Contract, and Claims LOS. This LOS is intended to pull together all "money" related legal issues. Issues analyzed under this LOS range from authority to expend funds for specific purposes, to solatia payments during combat operations.

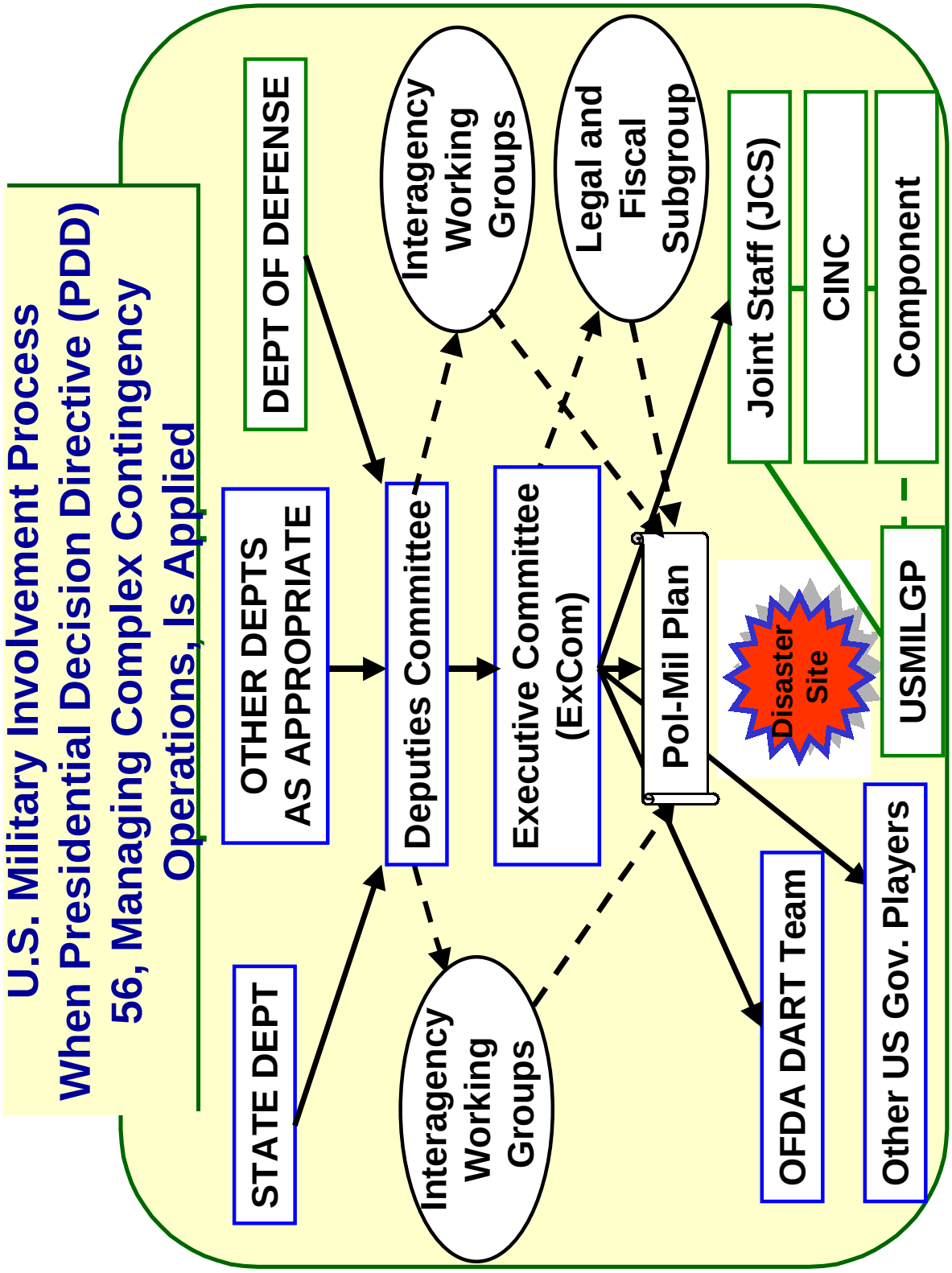
e. Staff Coordination LOS. This LOS is intended to force the JA to think of all the coordination related issues during the operation. It heavily emphasizes the coordination between the JA and PAO, PSYOPS, CA, DoS, and NGO's. It enables the JA to anticipate how to propose utilization and coordination with these assets to facilitate the legitimacy of the mission. It also encompasses anticipating common support requirements from other staff elements. Issues analyzed under this LOS range from coordinating NGO visits, to proposing modifications to a SOFA.

f. LAO, Disciplinary, Administrative LOS. This LOS is intended to cover both legal assistance related issues, and other "administrative" type issues. This LOS includes all the classic legal assistance issues likely to be encountered during an operation. It also covers dealing with administrative and disciplinary issues related to civilians accompanying the force, and the logistics of actually providing legal support to the command (the "where do I go and what do I do issues). Finally, it is intended to be a "catch-all" category to cover other issues that might fall through the cracks, such as criminal law and investigation related issues.

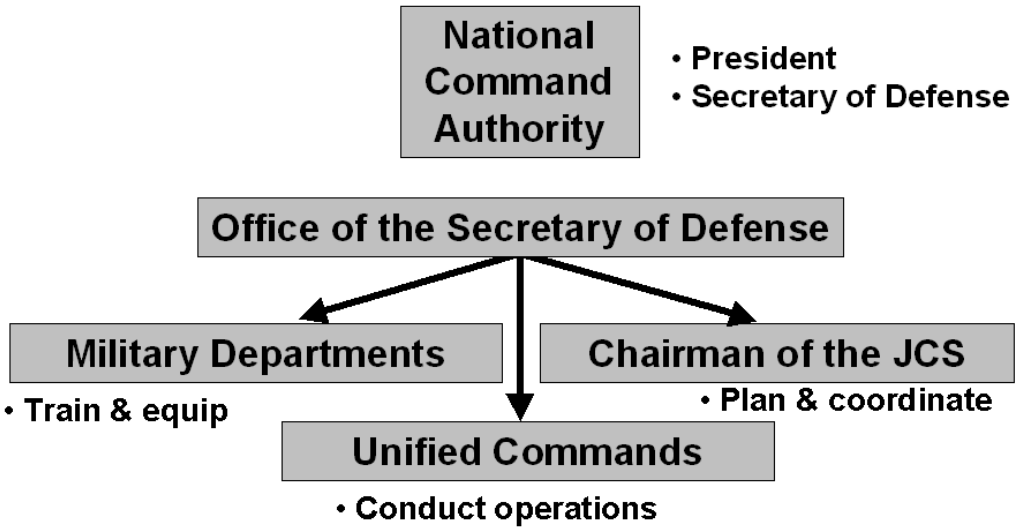
APPENDIX B-1: US MILITARY INVOLVEMENT PROCESS FOR DISASTER RELIEF OPERATIONS

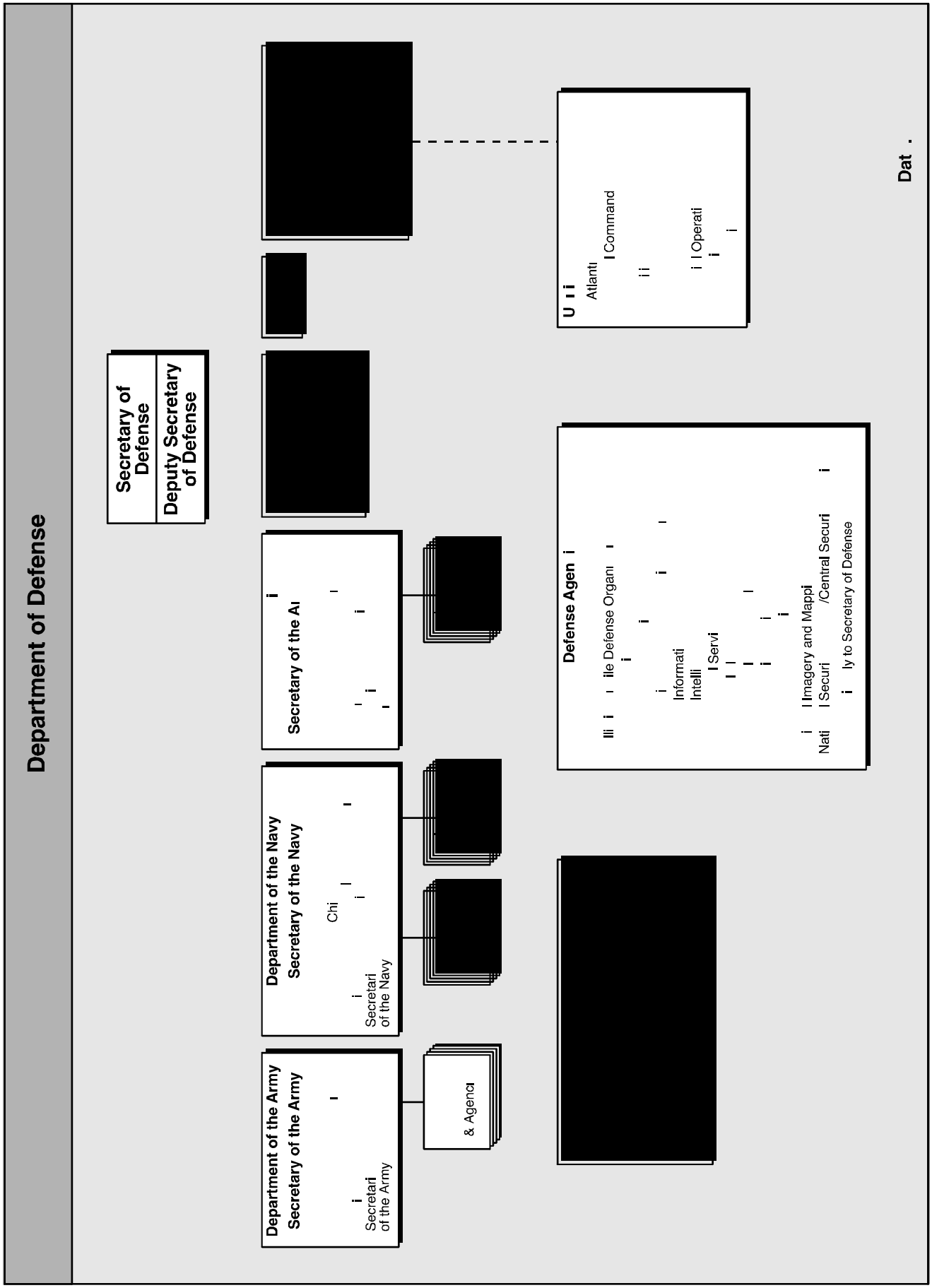


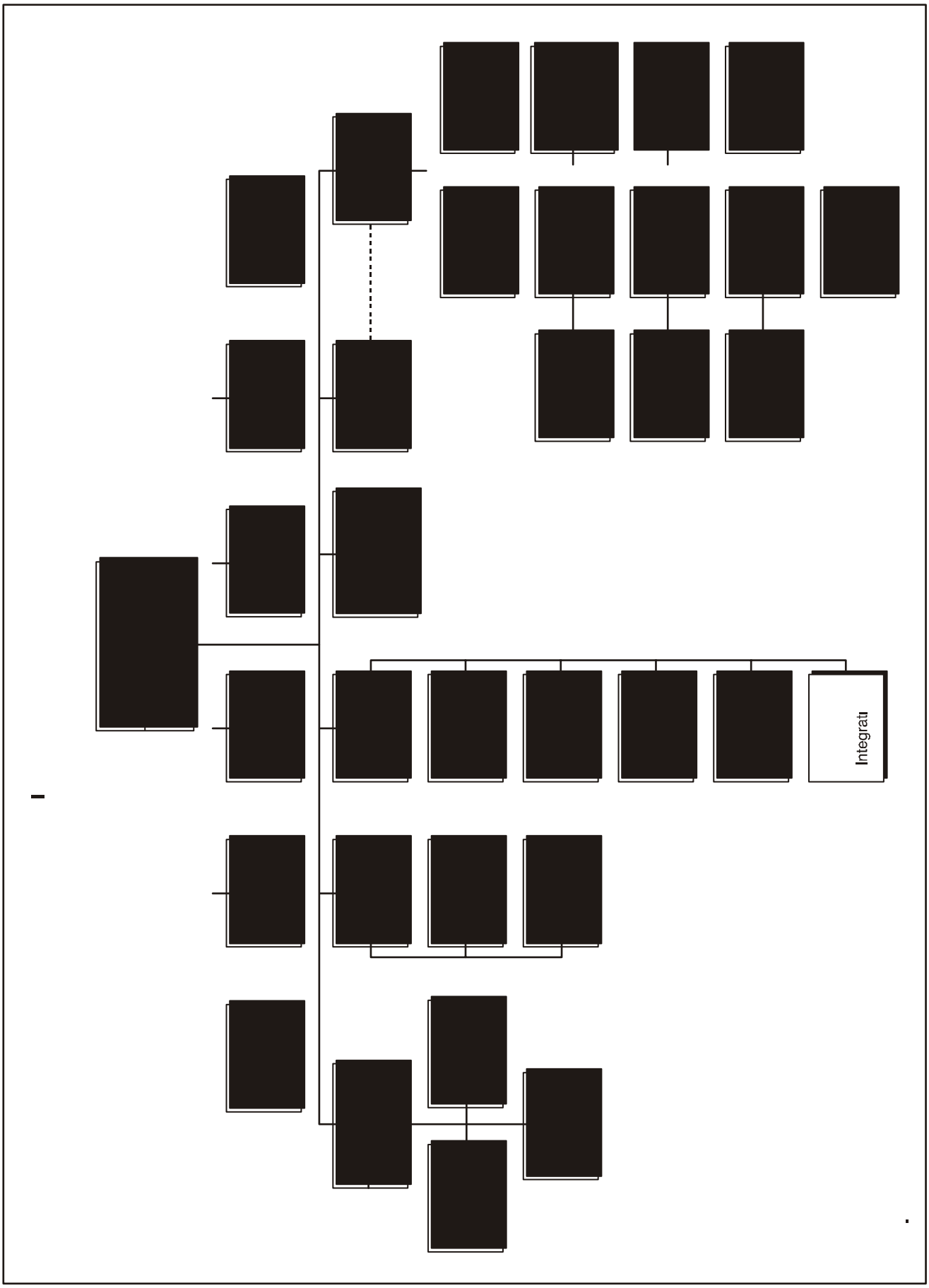

U.S. Military Involvement Process
Foreign Disaster Relief: Hurricane Mitch
(Latin America & Caribbean)
OFDA
SEC STATE
USAID/OFDA
SECDEF
Joint Staff (JCS)
U.S. Ambassador
SOUTHCOM
Component
U SMILGP
Local USAID/OFDA Office
DART
Disaster Site
Head of Government
Province Emergency Management Office
Municipal Disaster Office
Hit/Affected Areas

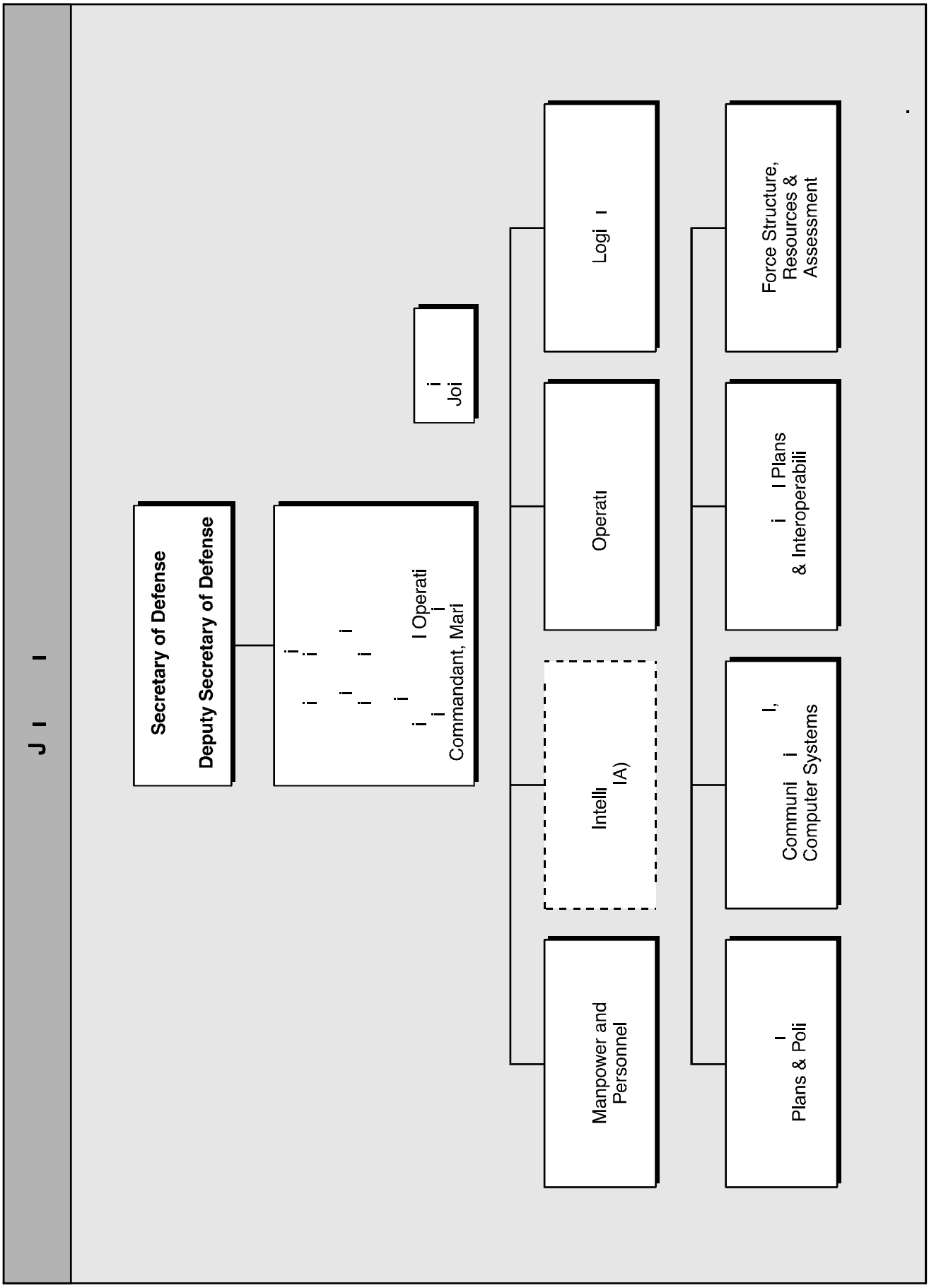

U.S. Military Involvement Process
When Presidential Decision Directive (PDD)
56, Managing Complex Contingency
Operations, Is Applied
DEPT OF DEFENSE
OTHER DEPTS
AS APPROPRIATE
STATE DEPT
Interagency
Working
Groups
Deputies Committee
Interagency
Working
Groups
Legal and
Fiscal
Subgroup
Executive Committee
(ExCom)
Pol-Mil Plan
Joint Staff (JCS)
CINC
Component
Disaster
Site
USMILGP
OFDA DART Team
Other US Gov. Players

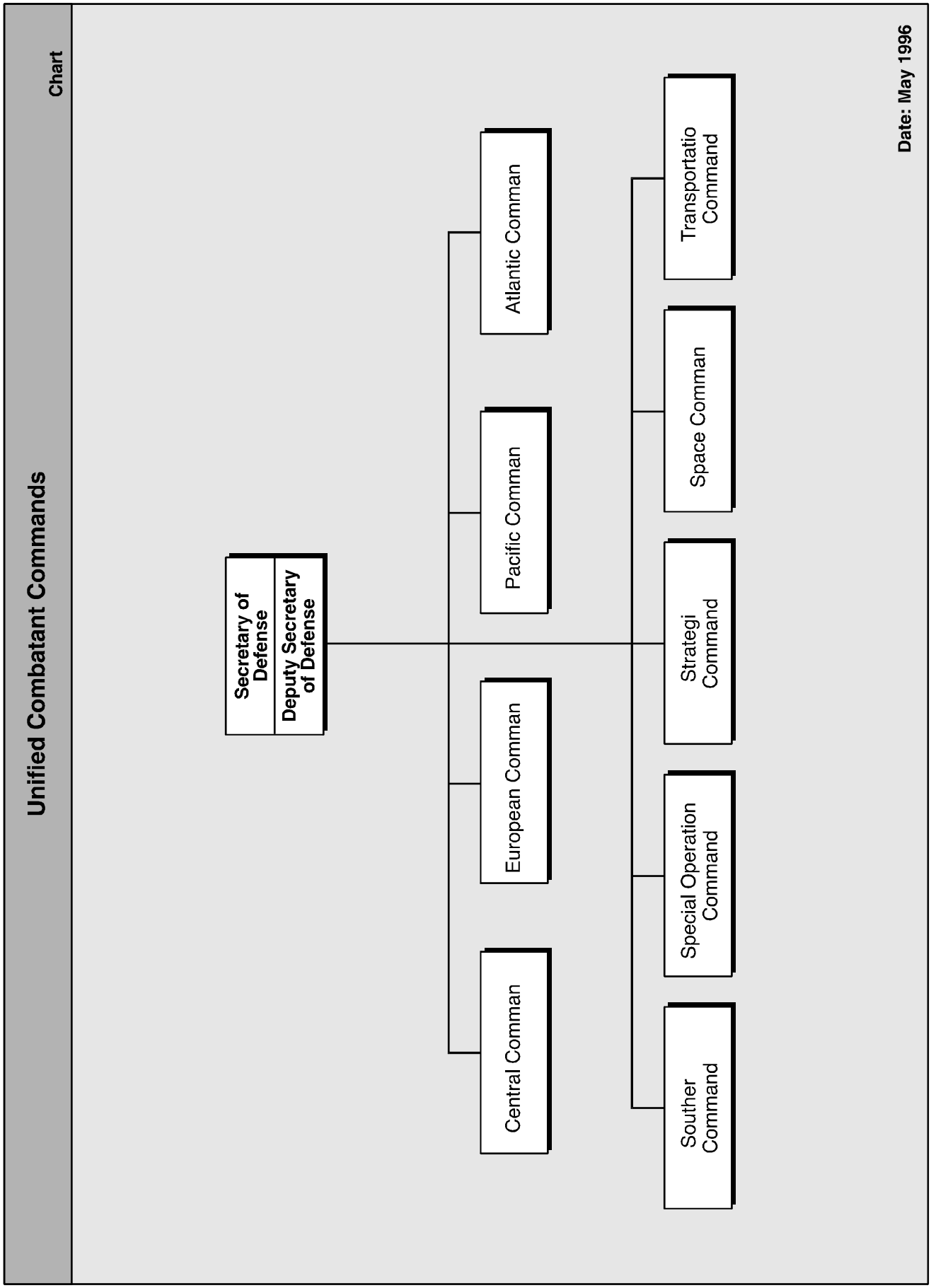
APPENDIX B-2: ORGANIZATIONAL CHARTS FOR US DEPARTMENT OF DEFENSE

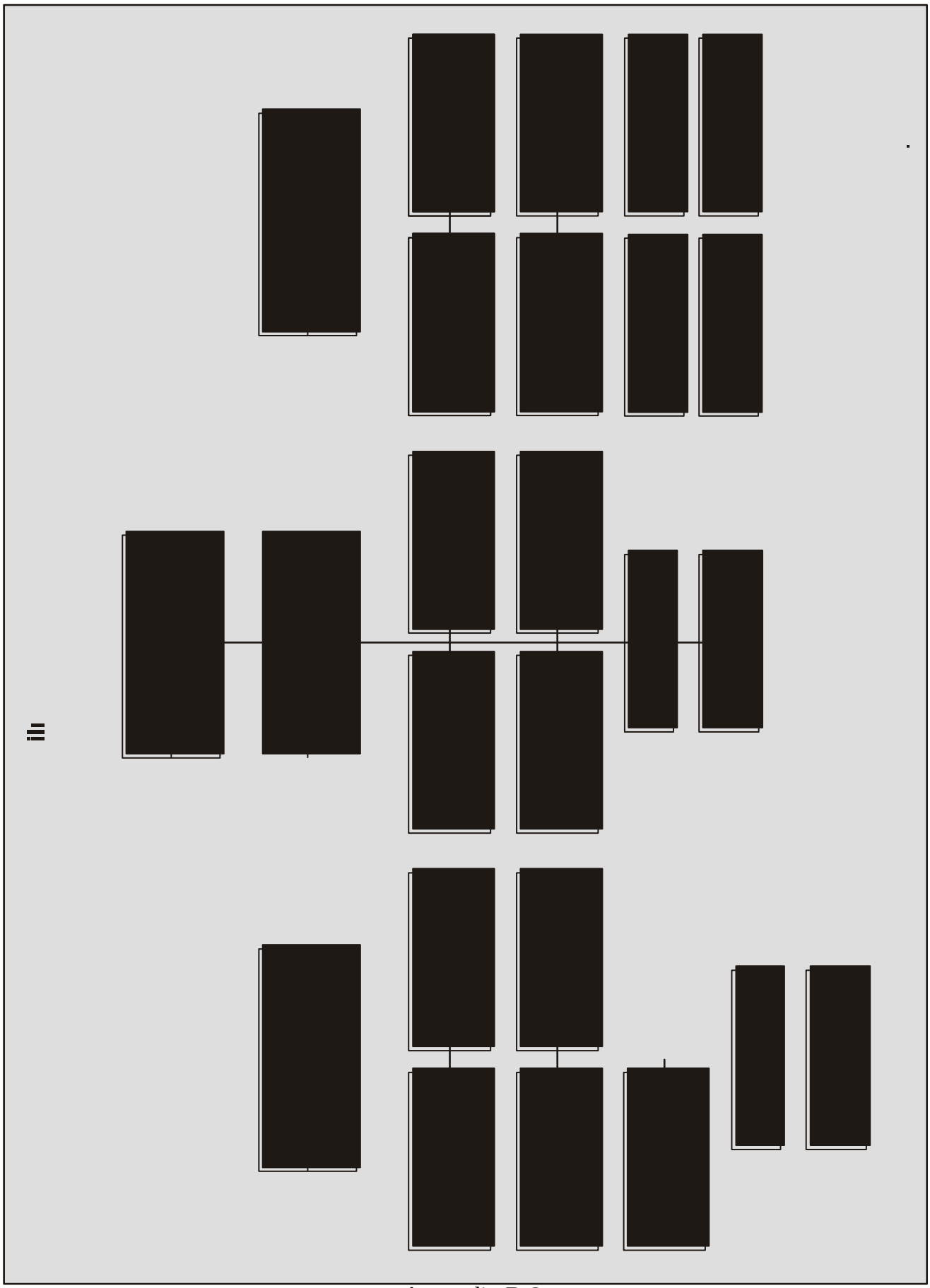


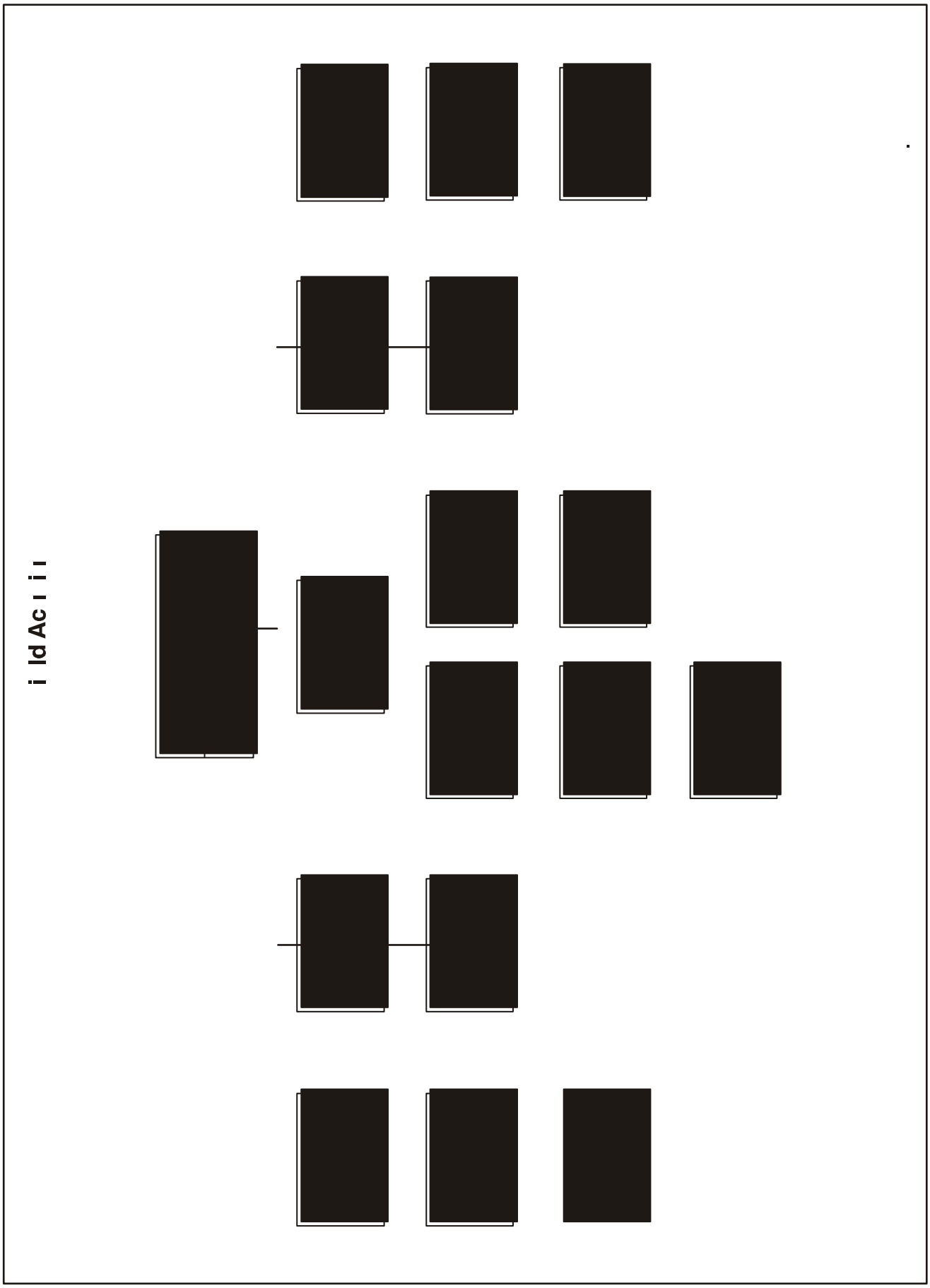

Department of Defense
Secretary of Defense
Deputy Secretary of Defense
Department of the Army
Secretary of the Army
Secretari of the Army
& Agenci
Department of the Navy
Secretary of the Navy
Chi
Secretari of the Navy
Secretary of the Ai
Atlanti
Command
Operati
Defense Agen
ile Defense Organi
Informati
Intelli
Servi
Imagery and Mappi
Nati
Securi
/Central Securi
ly to Secretary of Defense
Dat

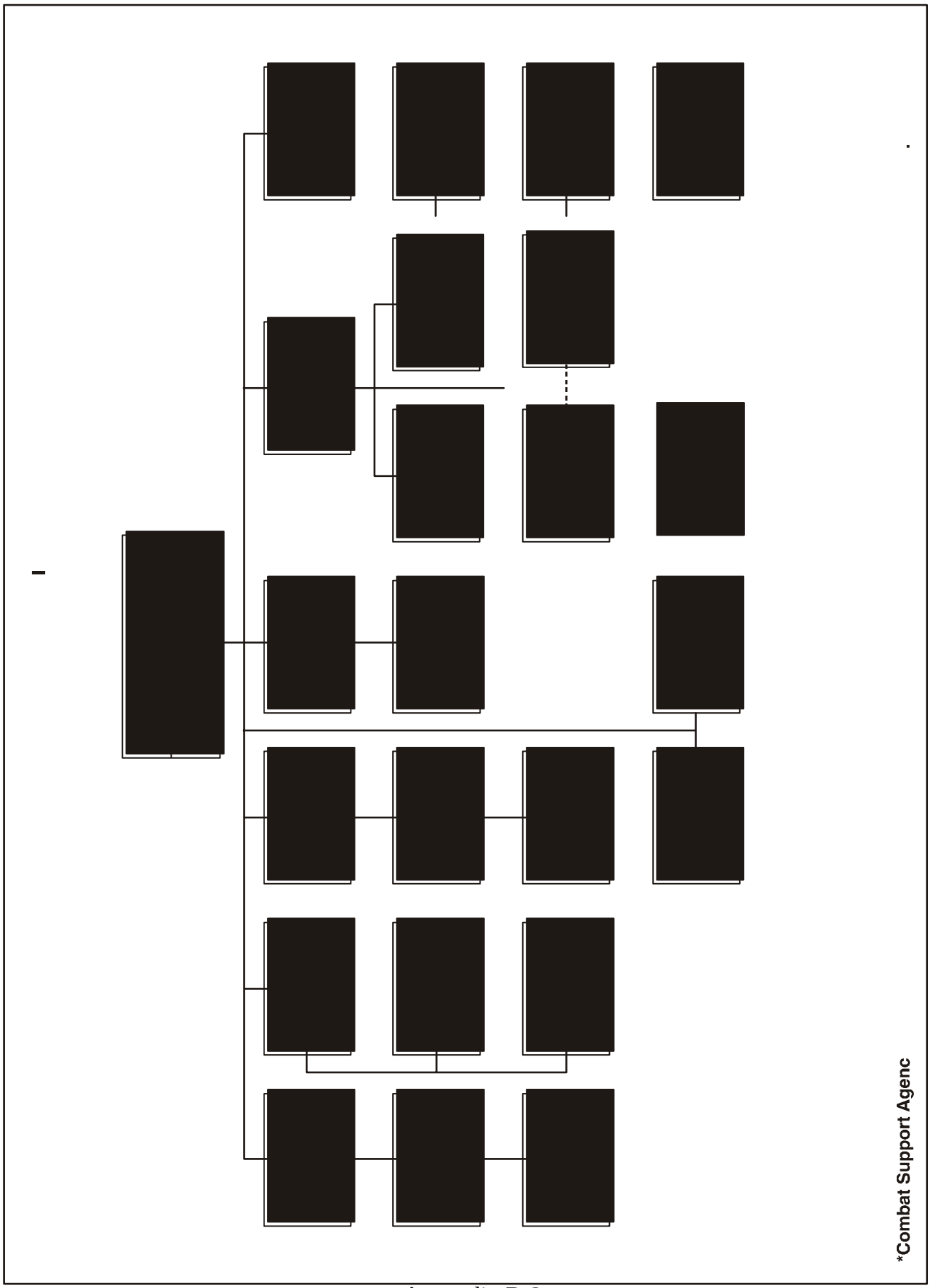

Integrati


Secretary of Defense
Deputy Secretary of Defense
Joi
Commandant, Mari
Logi
Operati
Intelli
IA)
Manpower and Personnel
Force Structure, Resources & Assessment
& Interoperabili
Communi
Computer Systems
Plans & Poli


Unified Combatant Commands
Chart
Secretary of Defense
Deputy Secretary of Defense
Central Comman
European Comman
Pacific Comman
Atlantic Comman
Souther Command
Special Operation Command
Strategi Command
Space Comman
Transportatio Command
Date: May 1996

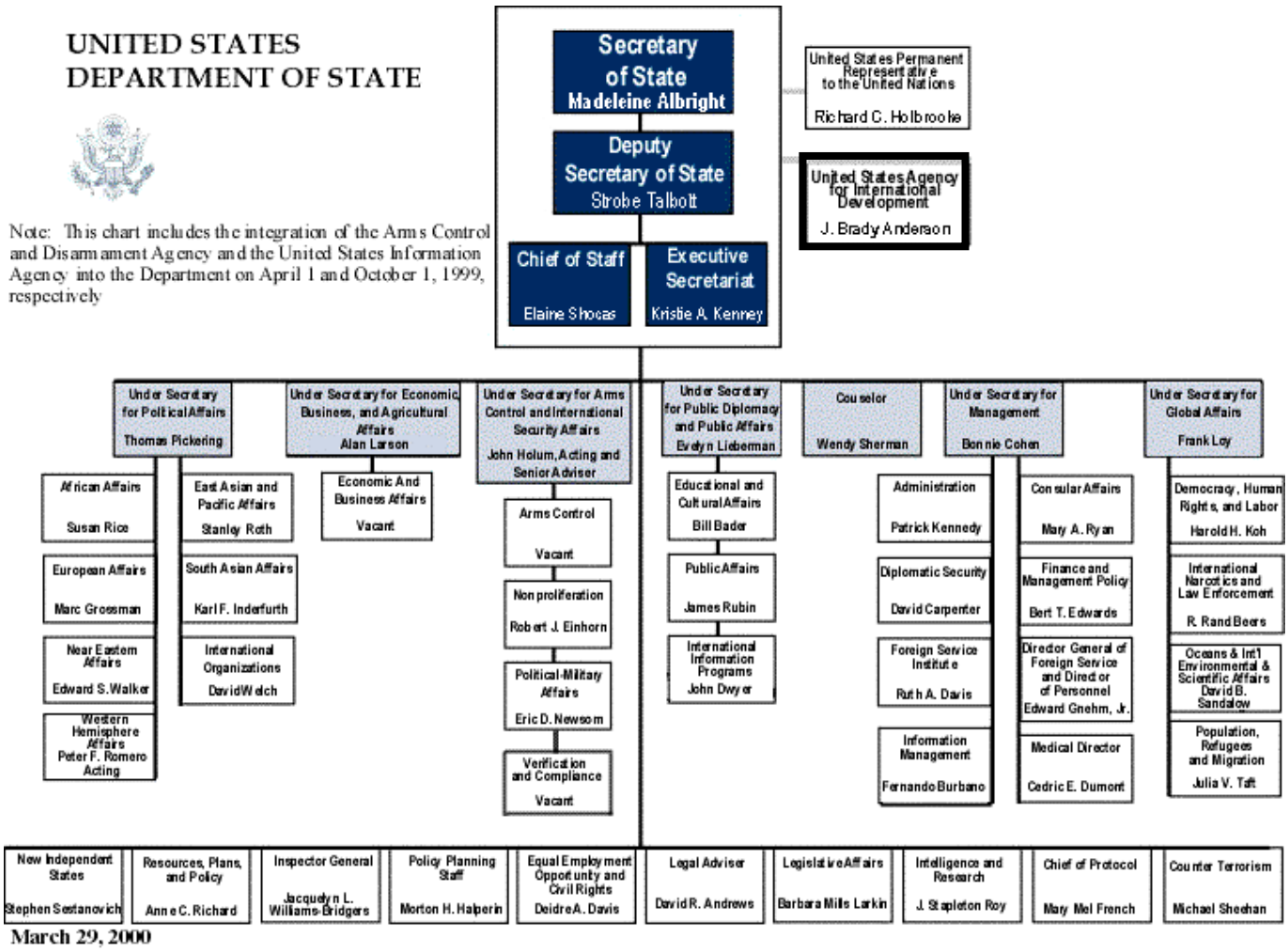



i ld Ac ı i ı


*Combat Support Agenc

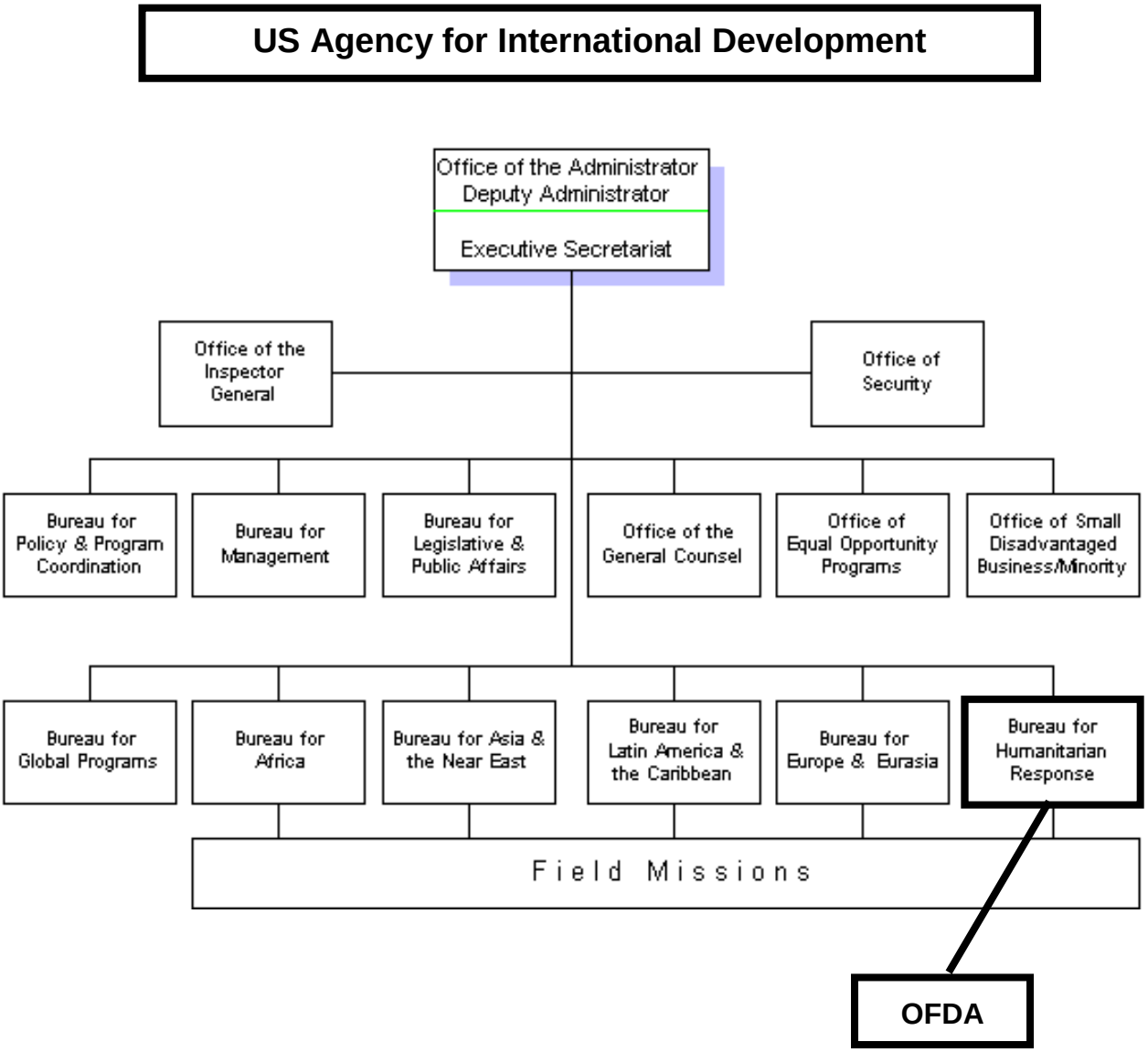
APPENDIX B-3: ORGANIZATIONAL CHARTS FOR US DEPARTMENT OF STATE, US AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), AND THE OFFICE FOR FOREIGN DISASTER ASSISTANCE (OFDA)

US Department of State



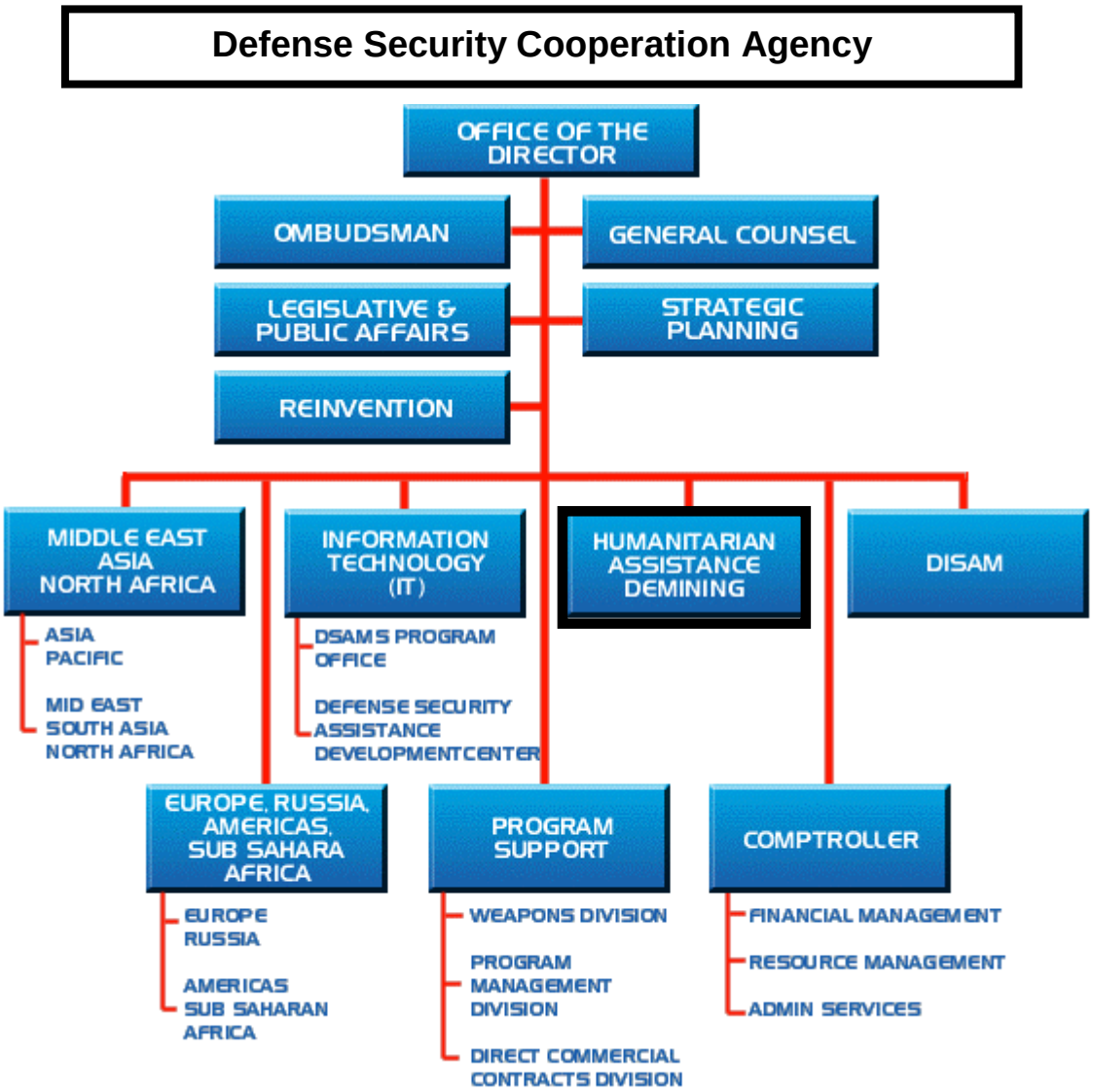
USAID

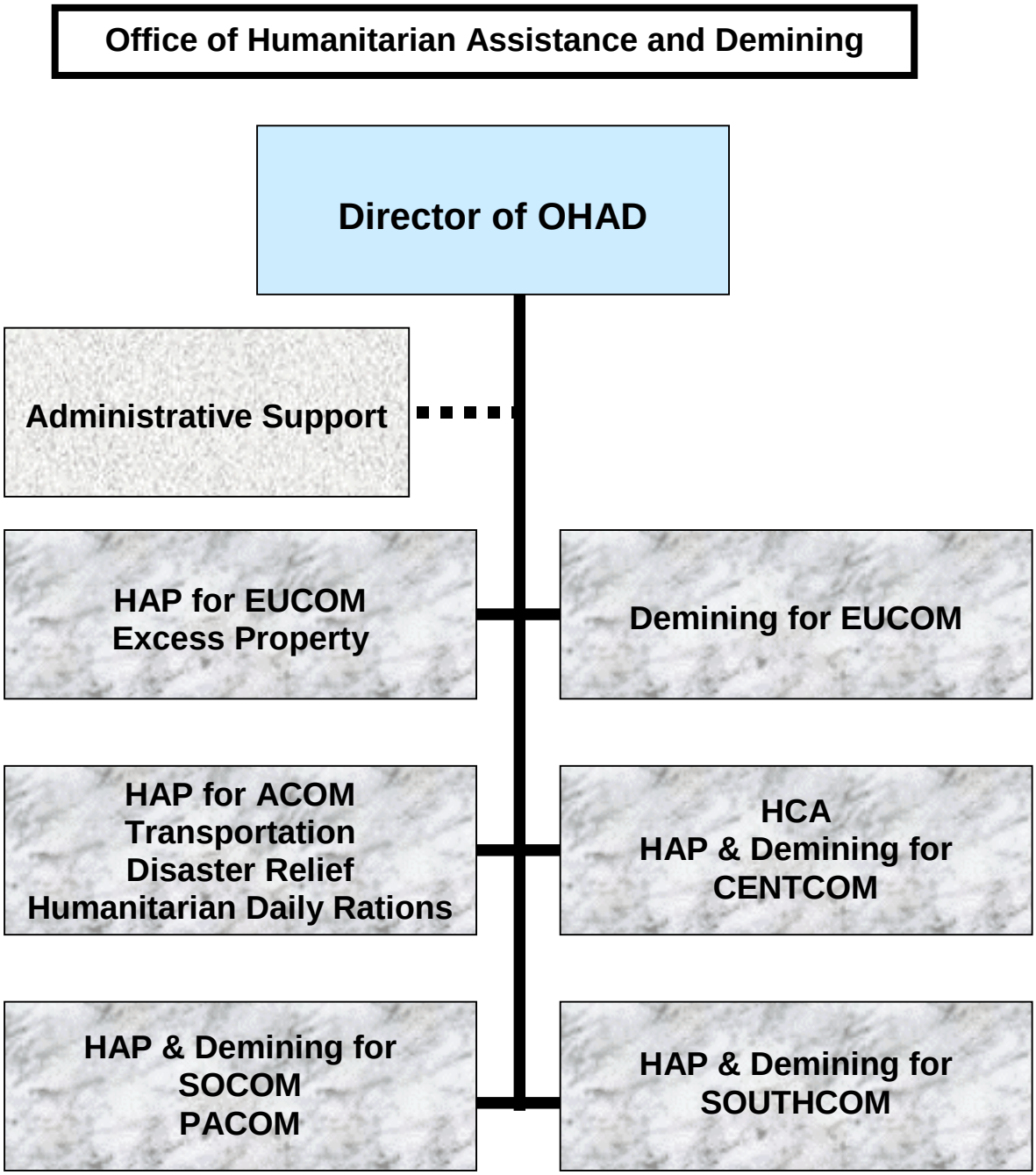
The chart below represents the major components of USAID as of January, 1999.[1]



[1] US Agency for International Development, *USAID Organizational Chart* (visited Apr. 13, 2000) <http://www.info.usaid.gov/about/usaidchart.htm>.

APPENDIX B-4: ORGANIZATIONAL CHARTS FOR DEFENSE SECURITY COOPERATION AGENCY (DSCA) AND ITS OFFICE OF HUMANITARIAN ASSISTANCE AND DEMINING (OHAD)[1]





HAP = Humanitarian Assistance Program
NOTE: Each of these positions is usually only one person deep.
OHDA Contact Information:

Phone (703) 601-3658 • Facsimile number (703) 602-0075.
DSN Phone 332-0075 • DSN Facsimile 329-3758.
Address: DSCA-HA/D • 2800 Defense Pentagon •
Washington, DC 20301-2800

APPENDIX B-5: PRESIDENTIAL DECISION DIRECTIVE (PDD) 56 MANAGING COMPLEX CONTINGENCY OPERATIONS

White House White Paper On PDD/NSC 56[1]
Managing Complex Contingency Operations

May 1997

(NOTE: PDD 56 Is Classified. Below is the White House White Paper on (Unclassified Summary of) PDD 56

The Clinton Administration's Policy on
Managing Complex Contingency Operations:

Presidential Decision Directive
May 1997

Purpose

This White Paper explains key elements of the Clinton Administration's policy on managing complex contingency operations. This unclassified document is promulgated for use by government officials as a handy reference for interagency planning of future complex contingency operations. Also, it is intended for use in U.S. Government professional education institutions, such as the National Defense University and the National Foreign Affairs Training Center, for coursework and exercises on interagency practices and procedures. Regarding this paper's utility as representation of the President's Directive, it contains all the key elements of the original PDD that are needed for effective implementation by agency officials. Therefore, wide dissemination of this unclassified White Paper is encouraged by all agencies of the U.S. Government. Note that while this White Paper explains the PDD, it does not override the official PDD.

Background

In the wake of the Cold War, attention has focused on a rising number of territorial disputes, armed ethnic conflicts, and civil wars that pose threats to regional and international peace and may be accompanied by natural or manmade disasters which precipitate massive human suffering. We have

[1] Presidential Decision Directive 56, The Clinton Administration's Policy on Managing Complex Contingency Operations (May 1997) < http://www.fas.org/irp/offdocs/pdd56.htm>.

learned that effective responses to these situations may require multi-dimensional operations composed of such components as political/diplomatic, humanitarian, intelligence, economic development, and security: hence the term complex contingency operations.

The PDD defines "complex contingency operations" as peace operations such as the peace accord implementation operation conducted by NATO in Bosnia (1995-present) and the humanitarian intervention in northern Iraq called Operation Provide Comfort (1991); and foreign humanitarian assistance operations, such as Operation Support Hope in central Africa (1994) and Operation Sea Angel in Bangladesh (1991). Unless otherwise directed, this PDD does not apply to domestic disaster relief or to relatively routine or small-scale operations, nor to military operations conducted in defense of U.S. citizens, territory, or property, including counter-terrorism and hostage-rescue operations and international armed conflict.

In recent situations as diverse as Haiti, Somalia, Northern Iraq, and the former Yugoslavia, the United States has engaged in complex contingency operations in coalition, either under the auspices of an international or regional organization or in ad hoc, temporary coalitions of like-minded states. While never relinquishing the capability to respond unilaterally, the PDD assumes that the U.S. will continue to conduct future operations in coalition whenever possible.

We must also be prepared to manage the humanitarian, economic and political consequences of a technological crisis where chemical, biological, and/or radiological hazards may be present. The occurrence of any one of these dimensions could significantly increase the sensitivity and complexity of a U.S. response to a technological crisis.

In many complex emergencies the appropriate U.S. Government response will incur the involvement of only non-military assets. In some situations, we have learned that military forces can quickly affect the dynamics of the situation and may create the conditions necessary to make significant progress in mitigating or resolving underlying conflict or dispute. However, we have also learned that many aspects of complex emergencies may not be best addressed through military measures. Furthermore, given the level of U.S. interests at stake in most of these situations, we recognize that U.S. forces should not be deployed in an operation indefinitely.

It is essential that the necessary resources be provided to ensure that we are prepared to respond in a robust, effective manner. To foster a durable peace or stability in these situations and to maximize the effect of judicious military deployments, the civilian components of an operation must be integrated closely with the military components.

While agencies of government have developed independent capacities to respond to complex emergencies, military and civilian agencies should

operate in a synchronized manner through effective interagency management and the use of special mechanisms to coordinate agency efforts. Integrated planning and effective management of agency operations early on in an operation can avoid delays, reduce pressure on the military to expand its involvement in unplanned ways, and create unity of effort within an operation that is essential for success of the mission.

Intent of the PDD

The need for complex contingency operations is likely to recur in future years, demanding varying degrees of U.S. involvement. The PDD calls for all U.S. Government agencies to institutionalize what we have learned from our recent experiences and to continue the process of improving the planning and management of complex contingency operations. The PDD is designed to ensure that the lessons learned -- including proven planning processes and implementation mechanisms -- will be incorporated into the interagency process on a regular basis. The PDD's intent is to establish these management practices to achieve unity of effort among U.S. Government agencies and international organizations engaged in complex contingency operations. Dedicated mechanisms and integrated planning processes are needed. From our recent experiences, we have learned that these can help to:

- identify appropriate missions and tasks, if any, for U.S. Government agencies in a U.S. Government response;
- develop strategies for early resolution of crises, thereby minimizing the loss of life and establishing the basis for reconciliation and reconstruction;
- accelerate planning and implementation of the civilian aspects of the operation;
- intensify action on critical funding and personnel requirements early on;
- integrate all components of a U.S. response (civilian, military, police, etc.) at the policy level and facilitate the creation of coordination mechanisms at the operational level; and
- rapidly identify issues for senior policy makers and ensure expeditious implementation of decisions.

The PDD requires all agencies to review their legislative and budget authorities for supporting complex contingency operations and, where such authorities are inadequate to fund an agency's mission and operations in complex contingencies, propose legislative and budgetary solutions.

Executive Committee

The PDD calls upon the Deputies Committee to establish appropriate interagency working groups to assist in policy development, planning, and execution of complex contingency operations. Normally, the Deputies Committee will form an Executive Committee (ExCom) with appropriate membership to supervise the day-to-day management of U.S. participation in a complex contingency operation. The ExCom will bring together representatives of all agencies that might participate in the operation, including those not normally part of the NSC structure. When this is the case, both the Deputies Committee and the ExCom will normally be augmented by participating agency representatives. In addition, the chair of the ExCom will normally designate an agency to lead a legal and fiscal advisory sub-group, whose role is to consult with the ExCom to ensure that tasks assigned by the ExCom can be performed by the assigned agencies consistent with legal and fiscal authorities. This ExCom approach has proved useful in clarifying agency responsibilities, strengthening agency accountability, ensuring interagency coordination, and developing policy options for consideration by senior policy makers.

The guiding principle behind the ExCom approach to interagency management is the personal accountability of presidential appointees. Members of the ExCom effectively serve as functional managers for specific elements of the U.S. Government response (e.g., refugees, demobilization, elections, economic assistance, police reform, public information, etc.). They implement the strategies agreed to by senior policy makers in the interagency and report to the ExCom and Deputies Committee on any problems or issues that need to be resolved.

In future complex contingency operations to which the United States contributes substantial resources, the PDD calls upon the Deputies Committee to establish organizational arrangements akin to those of the ExCom approach.

The Political-Military Implementation Plan

The PDD requires that a political-military implementation plan (or "pol-mil plan") be developed as an integrated planning tool for coordinating U.S. government actions in a complex contingency operation. The pol-mil plan will include a comprehensive situation assessment, mission statement, agency objectives, and desired endstate. It will outline an integrated concept of operations to synchronize agency efforts. The plan will identify the primary preparatory issues and tasks for conducting an operation (e.g., congressional consultations, diplomatic efforts, troop recruitment, legal authorities, funding requirements and sources, media coordination, etc.). It will also address major functional / mission area tasks (e.g., political mediation / reconciliation, military support, demobilization, humanitarian assistance, police reform, basic public services, economic restoration, human rights monitoring, social reconciliation, public information, etc.). (Annex A contains an illustrative outline of a pol-mil plan.)

With the use of the pol-mil plan, the interagency can implement effective management practices, namely, to centralize planning and decentralize execution during the operation. The desired unity of effort among the various agencies that is created through the use of the pol-mil plan contributes to the overall success of these complex operations.

When a complex contingency operation is contemplated in which the U.S. Government will play a substantial role, the PDD calls upon the Deputies Committee to task the development of a pol-mil plan and assign specific responsibilities to the \appropriate ExCom officials.

Each ExCom official will be required to develop their respective part of the plan, which will be fully coordinated among all relevant agencies. This development process will be transparent and analytical, resulting in issues being posed to senior policy makers for resolution. Based on the resulting decisions, the plan will be finalized and widely distributed among relevant agencies.

The PDD also requires that the pol-mil plan include demonstrable milestones and measures of success including detailed planning for the transition of the operation to activities which might be performed by a follow-on operation or by the host government. According to the PDD, the pol-mil plan should be updated as the mission progresses to reflect milestones that are (or are not) met and to incorporate changes in the situation on the ground.

Interagency Pol-Mil Plan Rehearsal

A critical aspect of the planning process will be the interagency rehearsal/review of the pol-mil plan. As outlined in the PDD, this activity involves a rehearsal of the plan's main elements, with the appropriate ExCom official presenting the elements for which he or she is responsible. By simultaneously rehearsing/reviewing all elements of the plan, differences over mission objectives, agency responsibilities, timing/synchronization, and resource allocation can be identified and resolved early, preferably before the operation begins**.** The interagency rehearsal/review also underscores the accountability of each program manager in implementing their assigned area of responsibility. During execution, regular reviews of the plan ensure that milestones are met and that appropriate adjustments are made.

The PDD calls upon the Deputies Committee to conduct the interagency rehearsal/review of the pol-mil plan. Supporting agency plans are to be presented by ExCom officials before a complex contingency operation is launched (or as early as possible once the operation begins), before a subsequent critical phase during the operation, as major changes in the mission occur, and prior to an operation's termination**.**

After-Action Review

After the conclusion of each operation in which this planning process is employed, the PDD directs the ExCom to charter an after-action review involving both those who participated in the operation and Government experts who monitored its execution. This comprehensive assessment of interagency performance will include a review of interagency planning and coordination, (both in Washington and in the field), legal and budgetary difficulties encountered, problems in agency execution, as well as proposed solutions, in order to capture lessons learned and to ensure their dissemination to relevant agencies.

Training

The U.S. Government requires the capacity to prepare agency officials for the responsibilities they will be expected to take on in a planning and managing agency efforts in a complex contingency operation. Creating a cadre of professionals familiar with this integrated planning process will improve the USG's ability to manage future operations.

In the interest of advancing the expertise of government officials, agencies are encouraged to disseminate the *Handbook for Interagency Management of Complex Contingency Operations* published by OASD(S&R) Strategy at (703) 614-0421.

With the support of the State and Defense Departments, the PDD requires the NSC to work with the appropriate U.S. Government educational institutions--including the National Defense University, the National Foreign Affairs Training Center and the Army War College--to develop and conduct an interagency training program. This program, which should be held at least annually, will train mid-level managers (Deputy Assistant Secretary level) in the development and implementation of pol-mil plans for complex contingency operations. Those participating should have an opportunity to interact with expert officials from previous operations to learn what has worked in the past. Also, the PDD calls upon appropriate U.S. government educational institutions to explore the appropriate way to incorporate the pol-mil planning process into their curricula.

Agency Review and Implementation

Finally, the PDD directs each agency to review the adequacy of their agency's structure, legal authorities, budget levels, personnel system, training, and crisis management procedures to insure that we, as a government, are learning from our experiences with complex contingency operations and institutionalizing the lessons learned.

Annex A: Illustrative Components of a Political-Military Plan for a Complex Contingency Operation

- Situation Assessment. A comprehensive assessment of the situation to clarify essential information that, in the aggregate, provides a multi-dimensional picture of the crisis.

- U.S. Interests. A statement of U.S. interests at stake in the crisis and the requirement to secure those interests.

- Mission Statement. A clear statement of the USG's strategic purpose for the operation and the pol-mil mission.

- Objectives. The key civil-military objectives to be accomplished during the operation.

- Desired Pol-Mil End State. The conditions the operation is intended to create before the operation transitions to a follow-on operation and/or terminates.

- Concept of the Operation. A conceptual description of how the various instruments of USG policy will be integrated to get the job done throughout all phases of the operation.

- Lead Agency Responsibilities. An assignment of responsibilities for participating agencies.

- Transition/Exit Strategy. A strategy that is linked to the realization of the end state described above, requiring the integrated efforts of diplomats, military leaders, and relief officials of the USG and the international community.

- Organizational Concept. A schematic of the various organizational structures of the operation, in Washington and in theater, including a description of the chain of authority and associated reporting channels.

- Preparatory Tasks. A layout of specific tasks to be undertaken before the operation begins (congressional consultations, diplomatic efforts, troop recruitment, legal authorities, funding requirements and sources, media coordination, etc.).

- Functional or Mission Area Tasks / Agency Plans. Key operational and support plans written by USG agencies that pertain to critical parts of the operation (e.g., political mediation/reconciliation, military support, demobilization, humanitarian assistance, police reform, basic public services, economic restoration, human rights monitoring, social reconciliation, public information, etc.).

APPENDIX B-6: NON-GOVERNMENTAL ORGANIZATIONS (NGOS) AND PRIVATE VOLUNTARY ORGANIZATIONS (PVOS)

NOTE: Inclusion below does not constitute official or unofficial endorsement of any particular organization or its members, platform, or ideals. Similarly, failure to list or include an organization does not constitute a statement or judgment of any kind about that organization, its members, platform or ideals. This list is merely an attempt to convey an idea of the magnitude and focus of NGOs and PVOs and primarily lists only US-based NGOs/PVOs.

NOTE: USAID maintains an Internet accessible list of those US and non-US private and voluntary organizations that are registered with USAID. *See* the site http://intranet.dimen-intl.com/usaid/.

NOTE: Most of the organizations listed below who played a part in the Hurricane Mitch relief efforts have information on their work available through their web sites.

Reference	Address (URL http://)
A Call To Serve International (ACTS)	E-MAIL...actsg@actsg.ge
A Self-Help Assistance Program (ASAP)	www.angelfire.com/or/asap
Academy for Educational Development, The (AED)	http://www.aed.org
ACCION International	http://www.accion.org
ACDI/VOCA (ACDI)	http://www.acdivoca.org
Action Against Hunger Private, non-political, non denominational and non-profit making , it was set up in France in 1979 to intervene in countries throughout the world.	http://www.acf-fr.org/eng/homefm.htm
Action Against Hunger-USA (AAH-USA)	http://www.aah-usa.org
Action by Churches Together (ACT) Action by Churches Together (ACT) is an alliance of churches and relief agencies responding to emergencies in more than 50 countries worldwide. ACT International assists thousands of men, women and children recovering from emergencies worldwide. ACT offers assistance to victims of natural disasters as well as emergencies caused by war and civil conflict.	http://www.act-intl.org/
Action for Enterprise (AFE)	www.actionforenterprise.org
Action Without Borders	http://www.idealist.org/

Lists 20,000 nonprofit and community organizations in 140 countries, which you can search or browse by name, location or mission.	
Adoption Exchange, Inc., The (The Rocky Mountain Adoption Exchange)	http://www.adoptex.org
Adventist Development & Relief Agency (ARDA) International	http://www.adra.org/
Adventist Development and Relief Agency International, Inc. (ADRA)	http://www.adra.org
Advocates for Youth	http://www.advocatesforyouth.org
Africa-America Institute, The (AAI)	www.aaionline.org
African Children Welfare Foundation (ACWF)	P.O. Box 4236, Culver City, CA 90231
African Community Resource Center, Inc. (ACRC)	www.africancommunity.org

African Medical & Research Foundation, Inc. (AMREF)	http://www.amref.org
African Medical and Research Foundation AMREF's mission, in partnership with communities, governments and donors, is to improve health care among the disadvantaged in sub-Saharan Africa through service delivery, training and research. AMREF is a field-orientated organization that implements programs. It does not make grants.	http://www.amre.org/
African Methodist Episcopal Church Service & Development Agency, Inc., The (SADA)	E-MAIL...tynewell@aol.com
African Wildlife Foundation (AWF)	103 South 4th Street, Aurora, IL 60505
Africare	www.africare.org
Aga Khan Foundation U.S.A. (AKF USA)	E-MAIL...akfusa@atge.automail.com
Agudath Israel of America, Inc.	E-MAIL...agudath@aol.com
Aid to Artisans, Inc. (ATA)	http://www.aid2artisans.org
Air Serv International, Inc. (ASI)	http://www.airserv.org
Alfalit International, Inc.	http://www.alfalit.org
Alliance for Communities in Action	P.O. Box 30154, Bethesda, MD 20824
America-Mideast Educational & Training Services (AMIDEAST)	http://www.amideast.org
American Assembly, The	http://www.americanassembly.org
American Association for International Aging, Inc. (AAIA)	E-MAIL...worldaging@aol.com
American Association of the Order of St. Lazarus, Inc. (Order of St. Lazarus)	E-MAIL...lazarususa@aol.com
American College of Nurse-Midwives (ACNM)	http://www.wife.org
American Committee for Shaare Zedek Hospital in Jerusalem,	http://www.szmc.org.il

Inc.	
American Council on Education (ACE)	http://www.acenet.edu
American Dentists for Foreign Service (ADFS)	619 Church Avenue, Brooklyn, NY 11218
American Friends of Kiryat Sanz Laniado Hospital, Inc.	www.laniado.com
American Friends Service Committee (AFSC)	http://www.afsc.org
American Himalayan Foundation (AHF)	http://www.bena.com/nepaltrek/ahf/ahf.html
American Jewish Joint Distribution Committee, Inc., The (AJJDC)	http://www.jdc.org
American Jewish World Service, Inc. (AJWS)	http://www.ajws.org
American Latvian Association in the United States, Inc. (ALA)	http://www.alausa.org
American Lebanese Syrian Associated Charities, Inc. (ALSAC)	http://www.stjude.org
American Leprosy Missions (ALM International)	http://www.leprosy.org
American Near East Refugee Aid (ANERA)	http://www.anera.org
American ORT, Inc. (ORT)	http://www.aort.org
American Red Magen David for Israel (ARMDI)	www.armdi.org
American Refugee Committee	http://www.archq.org
American Service to India (ASTI)	http://www.americanservicetoindia.geocities.com
American-Nicaraguan Foundation, Inc. (ANF)	anfusa@aol.com
AmeriCares Foundation, Inc. (AmeriCares)	http://www.americares.org
Americas Association of Cooperative/Mutual Insurance Societies, Inc. (AAC-MIS)	cobbs@nationwide.com
America's Development Foundation, Inc. (ADF)	http://www.adfusa.org
Amigos Internacionales Corporation (Amigos)	http://www.geocities.com/heartland/woods/1633
Amigos of EARTH College, Inc. (EARTH)	http://www.earth.ac.cr
Amnesty International	http://www.amnesty.org/
Ananda Marga Universal Relief Team, Inc. (AMURT)	http://www.amurt.org
Andean Rural Health Care, Inc. (ARHC)	http://www.main.nc.us/ARHC
Armenia Fund U.S.A., Inc. (AFUSA)	www.armeniafundusa.org
Armenian Assembly of America, Inc. (AAA)	http://www.aaainc.org
Armenian Missionary Association of America, Inc. (AMAA)	E-MAIL...amaainc@aol.com
Armenian Relief Society of Eastern USA, Inc., The (ARSNA)	E-MAIL...ars1910@aol.com
Armenian Relief Society, Inc., The (ARS, Inc.)	http://www.ars1910.org
Armenian Technology Group, Inc. (ATG)	E-MAIL...atgusa@aol.com

Asia Foundation, The (TAF)	http://www.asiafoundation.org
Assist International (AI)	http://www.assistintl.org
Atlantic States Legal Foundation, Inc. (ASLF)	www.aslf.org
AVSC International	http://www.avsc.org
Bat Conservation International, Inc. (BCI)	http://www.batcon.org
Bethany Christian Services International, Inc.	http://www.bethany.org
Bless the Children, Inc. (BTC)	http://www.blessthechildren.org
Blessings International (Blessings)	http://www.blessings.org
Books For Africa, Inc. (BFA)	www.booksforafrica.org
Brackett Foundation, The	www.brackett.colgate.edu
British Overseas NGOs for Development (BOND) BOND was founded in June 1993, on the initiative of 61 NGOs, and now has 213 members. It is officially recognized by the UK government's Department for International Development (DFID).	http://www.bond.org.uk/
Brother's Brother Foundation (BBF)	http://www.brothersbrother.com
Burma American Fund, Inc., The (BAF)	160 West End Avenue, Suite 18J New York, NY 10023
C.I.S. Development Foundation, Inc. (CISDF)	http://www.cisdf.com
CARE	http://www.care.org/
CARE CARE stands for Coop American Relief Everywhere. CARE International is a non-sectarian (non-religious), non-governmental, non-profit development and relief organization with programs and activities in over 60 countries. CARE's mission is to help the developing world's poor in their efforts to achieve long-term social and economic well-being and to offer relief in times of crisis when there is acute suffering and life is threatened. CARE's task is to reach new standards of excellence in offering disaster and emergency relief, technical assistance, training, food, other material resources and management in combinations appropriate to local needs and priorities. CARE's focus is long-term, lasting change. CARE supports processes that create competence and self-sustainment over time. CARE International has an annual budget of approximately $500 million.	http://www.care.org/
Carelift International	http://www.carelift.org
Caribbean Conservation Corporation (CCC)	http://www.cccturtle.org
Caribbean/Latin American Action (CNLAA)	www.claa.org
Caritas Australia Catholic relief organization and member of Caritas Internationalis,	http://www.caritas.org.au/Default.html

an emergency response network.	
Carter Center, Inc., The (CC)	http://www.cartercenter.org
Catholic Medical Mission Board, Inc. (CMMB)	http://www.cmmb.org
Catholic Near East Welfare Association (CNEWA)	http://www.cnewa.org
Catholic Relief Services Catholic Relief Services (CRS) was founded in 1943 by the Catholic Bishops of the United States to assist the poor and disadvantaged outside this country. The organization is committed to the alleviation of human suffering, the development of people and the fostering of charity and justice in the world. CRS provides direct aid to the poor, and involves people in their own development.	http://www.catholicrelief.org/
Center for Citizen Initiatives (CCI)	http://www.igc.org/cci
Center for Communications, Health and the Environment (CECHE)	http://www.ceche.org
Center for Health, Education and Economic Research, Inc., The (CHEER, Inc.)	cheer@misnet.com
Center for International Environmental Law, Inc. (CIEL)	http://www.ciel.org
Center for Victims of Torture (CVT)	http://www.cvt.org
Centre for Development and Population Activities, The (CEDPA)	http://www.cedpa.org
Child Health Foundation (CHF, International Child Health Foundation (ICHF))	http://www.childhealthfoundation.org
ChildHope Foundation (CHUSA)	childhope@igc.org
Children - Surgical Aid International (SACOW)	http://www.childrenscharities.org/sacow.html
Children International	http://www.children.org
Children of Chornobyl Relief Fund, Inc. (CCRF)	http://www.ccrf-iccf.org
Children's Christian Storehouse, Inc.	www.jiii.com/ccsi
Children's Home Society of Minnesota (CHSM)	http://www.chsm.com
Children's Hunger Relief Fund, Inc. (CHRF)	icrf@sonic.net
Christian Aid	http://www.christian-aid.org.uk/main.htm
Christian Blind Mission International (CBMI)	http://www.cbmi-usa.org
Christian Children's Fund, Inc. (CCF)	http://www.christianchildrensfund.org
Christian Mission Aid (C.M.A.)	www.cmaid.org
Christian Reformed World Relief Committee (CRWRC)	ryskampa@crcna.org
Christian Relief Services Charities	http://www.christianrelief.org
Christian World Adoption (CWA)	http://www.cwa.org

Church World Service Church World Service, the relief and development agency of the National Council of Churches of Christ in the U.S.A., has a unique capacity to respond rapidly to natural and human-caused disasters through an established world-wide network of local partners it supports via counsel, technical assistance, training, funding, and material resources.	http://www.ncccusa.org/CWS/emre/
Church World Service, Inc. (CWS, Inc.)	http://www.churchworldservice.org
CitiHope International, Inc.	E-MAIL...CitiHopeCH@aol.com
Citizens Democracy Corps, Inc. (CDC)	http://www.cdc.org
Citizens Network for Foreign Affairs, The (CNFA)	http://www.cnfa.com
Community of Caring (COC)	E-MAIL...caring@velocity.net
Community Options, Inc. (COI)	http://www.comop.org
Compatible Technology, Inc. (CTI)	E-MAIL...cti@piper.hamline.edu
CONCERN Worldwide (U.S.), Inc.	http://www.concernusa.org
Conservation International Foundation, The (CI)	http://www.conservation.org
Consortium for the MBA Enterprise Corps, Inc., The (MBA Enterprise Corps (MBAEC))	http://www.unc.edu/depts/mbaec
Cooperative Housing Foundation (CHF)	http://www.chfhq.org
Cooperative Office for Voluntary Organizations, Inc. (COVOL)	http://www.covol.org
Coptic Orphans Support Association (COSA)	http://www.copticorphans.com
Corporate Council on Africa, The (CCA)	http://www.africacncl.org
COUNTERPART International, Inc.	http://www.counterpart.org
Covenant House (CH)	http://www.covenanthouse.org
Credo International	www.geocities.com/rainforest/canopy
Crippled Children's United Rehabilitation Effort (CCURE)	http://www.ccure.org
Crudem Foundation (CRUDEM)	http://www.icon-stl.net/~holc
Davis Memorial Goodwill Industries, Inc. (DMGI)	2200 South Dakota Avenue NE Washington, DC 20018
Delphi International	http://www.delphi-int.org
Direct Relief International	http://www.directrelief.org/
Direct Relief International (DRI)	http://www.directrelief.org
Disability Rights Education and Defense Fund (DREDF)	http://www.dredf.org
DKT International, Inc. (DKT)	dktmichele@delphi.com
Doctors of the World, Inc. (DOW)	http://www.doctorsoftheworld.org
Doctors Without Borders	http://www.dwb.org/index.htm

	http://www.msf.org/
Doctors Without Borders (d/b/a Medecins Sans Frontieres)	http://www.doctorswithoutborders.org
Dooley Foundation - Intermed, Inc., The	E-MAIL...dooleyfdn@aol.com
Double Harvest, Inc.	E-MAIL...bert-vwi@ioa.com
Doulos Community, Inc. (DOULOS)	E-MAIL...jasko@monmouth.com
Drug Donations	http://www.drugdonations.org/
Ducks Unlimited (DU)	http://www.ducks.org
E&Co	E-MAIL...eco@energyhouse.com
Education Development Center, Inc. (EDC, Inc.)	http://www.edc.org
Educational and Research Foundation for the AAFPRS (AAFPRS Foundation)	http://www.aafprs.org
Egyptians Relief Association (ERA)	E-MAIL...messeh@erols.com
Elwyn, Inc.	http://www.elwyn.org
Enersol Associates, Inc.	http://www.enersol.org
ENTERPRISE Development International (EDI)	http://www.endpoverty.com
Enterpriseworks Worldwide, Inc. (EWW)	http://www.enterpriseworks.org
Environmental Law Institute (ELI)	http://www.eli.org
Eritrean Development Foundation	www.eridf.org
Esperanca, Inc.	www.esperanca.org
Ethiopian Community Development Council, Inc. (ECDC)	www.ecdcinternational.org
Family Care International (FCI)	http://www.familycareintl.org
Family Health International (FHI)	http://www.fhi.org
Federation of Jain Associations in North America (JAINA)	135 Morningside Drive, Grand Island, NY 14072
Feed My People International, Ltd. (FMPI)	http://www.childrenscharities.org/feedmypeople.html
Feed the Children, Inc. (d/b/a Feed the Children)	http://www.feedthechildren.org
Financial Services Volunteer Corps, Inc. (FSVC)	www.fsvc.org
Floresta USA, Inc. (FU)	http://www.Floresta.org
Florida Association of Voluntary Agencies for Caribbean Action, Inc. (FAVA/CA)	http://www.favaca.org
Food Corps, USA, Inc.	morgenthau@brandeis.edu
Food First, Inc.	www.foodfirst.webvalley.com
Food for Hungry	http://www.fh.org/
Food for Life Global	http://www.ffl.org/

Food for the Hungry, Inc. (FH)	http://www.fh.org
Food for the Poor, Inc. (FFP)	http://www.foodforthepoor.com
Forest Management Trust, Inc., The (TFMT)	http://www.foresttrust.org
Forging New Tomorrows, Inc. (FNT)	http://www.fnt-usa.org
Foundation for a Civil Society, Ltd., The (FCS)	E-MAIL...info@fcsny.org
Foundation for International Community Assistance, Inc. (FINCA International, Inc.)	http://www.villagebanking.org
Foundation for Understanding and Enhancement (FUNEN)	http://www.funen.org
Foundation Hirondelle	http://www.hirondelle.org/
Foundation of Compassionate American Samaritans (FOCAS)	E-MAIL...focas@aol.com
Freedom from Hunger	http://www.freefromhunger.org/
Freedom from Hunger	http://www.freefromhunger.org
Freedom House, Inc.	http://www.freedomhouse.org
Friends of Animals, Inc. (FoA)	http://www.friendsofanimals.org
Friends of Conservation - Friends of the Masai Mara (FOC)	E-MAIL...ncooke@abercrombiekent.com
Friends of Liberia, Inc. (FOL)	liberia@fol.org
Fund for Armenian Relief, Inc.	E-MAIL...garo@farusa.org
German Marshall Fund of the United States, The (GMF)	http://www.gmfus.org
Global Assistance, Inc. (GAI)	http://www.globalassistance.org
Global Health Action, Inc.	http://www.globalhealthaction.org
Global Health Council, Inc. (GHC)	www.globalhealth.org
Global Health Ministries (GHM)	http://www.ghm.org
Global Impact, Inc.	www.mindspring.com/~global_impact/home.htm
Global Jewish Assistance and Relief Network (GJARN)	www.globaljewish.org
global links (gl)	http://www.globallinks.org
Global Operations and Development (GO&D)	E-MAIL...global@snis.net
Global Relief Foundation, Inc. (GRF)	www.grf.org
Goodwill Industries International, Inc. (GII)	http://www.goodwill.org
Goodwill Industries-Manasota, Inc.	E-MAIL...dalbri@aol.com
Grameen Foundation USA	www.grameenfoundation.org
Habitat for Humanity International, Inc. (HFHI)	http://www.habitat.org
Hadassah, The Women's Zionist Organization of America, Inc. (HWZOA)	http://www.hadassah.org

Haitian Health Foundation, The (HHF)	97 Sherman Street, Norwich, CT 06360
Hands to Clinical Labs of Third World Countries, Inc. (HCL)	E-MAIL...hcl@aol.com
Harry T. Fultz Albanian-American Educational Foundation, The	E-MAIL...fultz2@earthlink.net
Healing the Children Northeast, Inc. (HTCNE)	http://www.htcne.org
Health Alliance International (HAI)	E-MAIL...hai@u.washington.edu
Health and Education Volunteers, Inc. (HealthED)	E-MAIL...health@usbnc.org
Health Volunteers Overseas (HVO)	http://www.hvousa.org
Heart to Heart International, Inc. (H2H)	http://www.hearttoheart.org
Heifer Project International	http://www.heifer.org/
Heifer Project International, Inc. (HPI)	http://www.heifer.org
Helen Keller International, Inc. (HKI)	http://www.hki.org
Help International, Inc. (HELP)	E-MAIL...74617.1701@compuserve.com
Hermandad, Inc. (Helping to Reach Many Through Direct Assistance in Development)	http://www.hermandad.org
Holt International Children's Services, Inc. (HICS)	http://www.holtintl.org
Hope International	E-MAIL...hopeint@epix.net
HOPE Worldwide, Ltd.	http://www.hopeww.org
Human Rights Watch	http://www.hrw.org/
Humanity International, Inc. (HI)	E-MAIL...humanity@oncon.com
Hunger Project, The (THP)	http://www.thp.org
Imani House, Inc. (IHI)	http://www.plenty.org/IMANI.html
Impact Teams International (ITI)	E-MAIL...impactteams@compuserve.com
Impact With God Crusades, Inc. (IMPACT)	E-MAIL...isohimp@aol.com
Indigenous Peoples Media Network, Inc.	E-MAIL...ipmn@xxicentury.org
Institute for Democracy in Eastern Europe (IDEE)	E-MAIL...idee@idee.org
Institute for Development Research, Inc. (IDR)	http://www.jsi.com/idr
Institute for EastWest Studies (IEWS)	http://www.iews.org
Institute for Health Policy Analysis, Inc. (IHPA)	E-MAIL...info@emep-online.org
Institute for Multi-Track Diplomacy (IMTD)	http://www.igc.org/imtd
Institute for Practical Idealism (d/b/a Legacy International)	http://www.legacyintl.org
Institute for Transportation and Development Policy, The (ITDP)	http://www.itdp.org
Institute of Cultural Affairs (ICA)	E-MAIL...icachicago@igc.org
Institute of Global Communications (IGC Human Rights)	http://www.igc.org/igc/gateway/index.html

Institute of Global Communications (PeaceNet)	http://www.igc.org/igc/gateway/pnindex.html
Institute of International Education, Inc. (IIE)	http://www.iie.org
Interaction: Coalition of over 150 NGOs and PVOs for working for FHA	www.interaction.org/
Inter-American Improvement Association, Inc. (IAIA)	E-MAIL...mosesiaia@aol.com
Interfaith Medical Assistance, Inc. (I.M.A.)	http://www.interchurch.org
International Aid, Inc. (IAI)	http://www.internationalaid.org
International Alliance for Children, Inc. (IAC)	2 Ledge Lane, New Milford, CT 06776
International Book Bank, Inc., The (IBB)	Ibbusa@worldnet.att.net
International Book Project (IBP)	E-MAIL...ibookp@iglou.com
International Center for Not-for-Profit Law (ICNL)	http://www.icnl.org
International Center for Research on Women (ICRW)	http://www.icrw.org
International Center, The	http://www.newforestsproject.com
International Centre for Migration and Health ICMH was established in 1995 as part of a joint initiative by IOM, the University of Geneva, and WHO, and in response to the need for more research, policy and training in the area of migration and health. ICMH has been designated as a WHO Collaborating Centre for Health-related Issues Among People Displaced by Disasters.	http://www.icmh.ch/
International Children's Heart Foundation (ICHF)	http://www.babyhearts.com
International Christian Adoptions (ICA, also d/b/a Institute For Children's Aid)	www.4achild.com
International City/County Management Association (ICMA)	http://www.icma.org
International Clinical Epidemiology Network (INCLEN, Inc.)	http://www.inclen.org
International Council for Local Environmental Initiatives U.S.A. (ICLEI-US)	http://www.iclei.org
International Council of Voluntary Agencies The International Council of Voluntary Agencies (ICVA) functions as an advocacy network, adding value to the work of the non-governmental organisations (NGOs) that form its membership. It ensures involved and informed NGO networks and facilitates a real 'policy to implementation' partnership between NGOs and international agencies.	http://www.icva.ch/
International Crisis Group A private, multinational organization. Publishes many useful reports based on field research—teams of political analysts on the ground in countries at risk of crisis, gather information from a	http://www.intl-crisis-group.org/ www.crisisweb.org

wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers. ICG's reports are distributed widely to officials in foreign ministries and international organisations and made available to the general public via the organisation's internet site.	
International Development Enterprises (IDE)	http://www.ideorg.org
International Executive Service Corps (IESC)	http://www.iesc.org
International Eye Foundation, Inc. (IEF)	http://www.iefusa.org
International Foundation for Education and Self-Help (IFESH)	http://www.ifesh.org
International Foundation for Election Systems (IFES)	http://www.ifes.org
International Heart of Variety (Variety Clubs International)	E-MAIL...vci@interport.net
International Human Rights Law Group, The (The Law Group)	www.hrlawgroup.org
International Institute for Energy Conservation (IIEC)	http://www.iiec.org
International Institute of Rural Reconstruction (IIRR)	http://www.cav.pworld.net.ph/~iirr
International Law Institute (ILI)	http://www.ili.org
International Medical Corps	http://www.imc-la.com/
International Medical Corps, The (IMC)	http://www.imc-la.org
International Medical Services for Health (INMED)	http://www.inmed.org
International Orthodox Christian Charities, Inc. (IOCC)	http://www.iocc.org
International Partnership for Human Development (IPHD)	E-MAIL...iphd@erols.com
International Planned Parenthood Federation, Western Hemisphere Region (IPPF/WHR)	E-MAIL...bcruz@ippfwhr.org
International Relief and Development	E-MAIL...akeys@clark.net
International Relief Teams (IRT)	www.irteams.org
International Rescue Committee (IRC)	http://www.intrescom.org
International Rescue Corps	http://www.intrescom.org/
International Service Agencies A coalition of US-based international relief and development organizations.	http://www.charity.org/
International Service Center (ISC)	http://members.aol.com/isc1976
International Union for the Conservation of Nature & Natural Resources (IUCNUS)	http://www.iucnus.org
International Wilderness Leadership Foundation (WILD)	http://www.wild.org
International Women's Democracy Center	www.iwdc.org
International Youth Foundation (IYF)	youth@iyfnet.org
Interns for Peace, Inc. (IFP)	http://www.internsforpeace.org/contact

Ipas, Inc. (International Projects Assistance Service)	http://www.ipas.org
ISAR, Inc.	http://www.isar.org
Islamic African Relief Agency, United States Affiliate (IARA-USA)	http://www.iara-usa.org
Island Resources Foundation, Inc. (IRF)	http://www.irf.org
Jane Goodall Institute for Wildlife Research, Education and Conservation (JGI)	http://www.janegoodall.org
Joint Center for Political and Economic Studies, Inc. (JCPES)	http://www.jointcenter.org
Junior Achievement International (JAI)	http://www.jaintl.com
Kaffa Development Associates (KDAUSA)	E-MAIL...larcon@sni.net
Katalysis Partnership, Incorporated (Katalysis)	E-MAIL...katalysis2@aol.com
Kids Around the World, Inc. (KIDS)	E-MAIL...playgrounds@compuserve.com
La Leche League International (LLLI)	http://www.lalecheleague.org
Landmine Survivors Network	www.landminesurvivors.org
Latin American and Caribbean Regional Disaster Information Center (CRID): initiative by 6 disaster relief organizations	http://www.crid.or.cr/crid/Indexen.htm
Latter-day Saint Charities (LDSC)	lds-charities@ldschurch.org
Laubach Literacy International	www.laubach.org
Life for Relief & Development (IRA)	http://www.lifeusa.org
Life Link, The	E-MAIL...fcfintdir@aol.com
Lifewater International	http://www.lifewater.org
Lighthouse International	http://www.lighthouse.org
Lithuanian Children's Relief, Inc.	E-MAIL...taupa@juno.com
Lithuanian Mercy Lift, Inc. (LML)	E-MAIL...glendraitis@kiwi.dep.anl.gov
Lutheran Social Services of Wisconsin and Upper Michigan, Inc.	www.lsswis.org
Lutheran World Relief	http://www.lwr.org/
Lutheran World Relief, Inc. (LWR)	http://www.lwr.org
Magee-Womens Hospital (MWH)	www.magee.edu
Maine Adoption Placement Service (MAPS)	http://www.mapsadopt.org
Management Sciences for Health (MSH)	www.msh.org
Manomet, Inc. (Manomet)	http://www.manomet.org
MAP International, Inc. (MAP)	http://www.map.org
Maranatha Volunteers International, Inc. (MVI)	http://www.maranatha.org
Maternal Life International, Inc.	www.usacares.org

Medical Benevolence Foundation (MBF)	http://www.mbfoundation.org
Medical Care Development, Inc. (MCDI)	http://www.mcd.org
Medical Outreach for Armenians, Inc. (MOA)	1101 East Broadway Avenue, No 103 Glendale, CA 91205
Medicine for Peace (MFP)	E-MAIL...mviola@msn.com
Medicins du Monde	http://www.medecinsdumonde.org/
MEDISEND/International	www.medisend.org
Melwood Horticultural Training Center, Inc. (Melwood Training Center)	http://www.melwood.com
Mennonite Central Committee	http://www.mcc.org/index.html
Mennonite Economic Development Associates, The (MEDA)	http://www.meda.org
Merciful Samaritan, Inc.	http://www.aone.com/~swelsh/mercy.html
Mercy Corps International (MCI)	http://www.mercycorps.org
Mercy International USA, Inc. (Mercy)	http://www.mercyusa.org
Mercy Ships	http://www.mercyships.org
Miami Medical Team Foundation, Inc. (MMTF)	2340 Coral Way, Miami, FL 33145
Mines Advisory Group	http://www.oneworld.org/mag/framindx.htm
Ministry of Jesus, Inc. (MOJ)	E-MAIL...moj1@juno.com
Minnesota International Health Volunteers (MIHV)	E-MAIL...cporta@mihv.org
Minority Rights Group International	http://www.minorityrights.org/
Mission Without Borders International (MWBI)	http://www.mwbi.org
Missouri Botanical Garden (MOBOT)	http://www.mobot.org
Mobility International USA (MIUSA)	http://www.miusa.org
Mottahedeh Development Services (MDS)	E-MAIL...mdssed@msn.com
Mountain Institute, Inc., The (TMI)	http://www.mountain.org
National Alliance of Black School Educators (NABSE)	http://www.nabse.org
National Center for Nonprofit Boards (NCNB)	http://www.ncnb.org
National Cooperative Business Association (NCBA)	http://www.cooperative.org
National Council of Negro Women, Inc. (NCNW)	www.ncnw.com
National Council of the Young Men's Christian Association of the USA (YMCA of the USA)	E-MAIL...kspencer@chicago.ymcausa.org
National Cristina Foundation (NCF)	http://www.cristina.org
National Fish and Wildlife Foundation (NFWF)	http://www.nfwf.org
National Institute for Urban Search and Rescue	http://niusr.org/

National Peace Corps Association (NPCA)	http://www.rpcv.org
National Policy Association (NPA)	http://www.npa1.org
National Rural Electric Cooperative Association - International Foundation (NRECA-IF)	http://www.nreca.org
National Rural Electric Cooperative Association (NRECA)	http://www.nreca.org
National Telephone Cooperative Association (NTCA)	http://www.ntca.org
Nature Conservancy, The (TNC)	www.tnc.org
Nazarene Compassionate Ministries, Inc. (NCMI)	www.nazarene.org/inc
Nazarene Ministry of Help (NMH)	E-MAIL...tanya@childrenhelp.org
Near East Foundation (NEF)	http://www.neareast.org
Network for Healthcare and Rehabilitation Services, Inc. (INPB)	1845 Harvard Street NW, Suite 619 Washington, DC 20009
New Manna Ministries Outreach Association	http://www.ieweb.com/newmanna
New York Botanical Garden (NYBG)	http://www.nybg.org
Northwest Medical Teams International, Inc. (NWMTI)	http://www.nwmti.org
Ombudsmen for Humanitarian Assistance	http://www.oneworld.org/ombudsman/
Operation Blessing International Relief and Development Corporation (OBI)	http://www.ob.org
Operation Bootstrap Africa (OBA)	E-MAIL...bootstrapd@aol.com
Operation California, Inc. (Operation USA)	http://www.opusa.org
Opportunities Industrialization Centers International, Inc. (OICI)	http://www.oicinternational.org
Opportunity International, Inc.	http://www.opportunity.org
ORA International	www.orainternational.org
Organization for Tropical Studies, Inc. (OTS)	http://www.ots.duke.edu
Organization of Humanitarian Service for Armenia	117 East Huntington Drive Arcadia, CA 91006
Our Little Brothers and Sisters, Inc. (OLB&S)	www.nphamigos.org
Outreach International, Inc. (OI)	http://www.outreach-international.org
Oxfam	http://oxfam.org.uk/
Pacific Disaster Management Information Network (PDMIN) Online library of links, publications, electronic journals; up-to-date information on disasters; country and cultural information; technology for DM personnel; and online educational and training materials for disaster management personnel.	http://coe-dmha.org/website/index.htm
Pan American Development Foundation (PADF)	padf-dc@padf.org
Pan American Health Organization (PAHO)	http://www.paho.org/

Park West Children's Fund, Inc. (PWCF, Friends Ship)	www.friendships.org
Parliamentarians for Global Action (PGA)	E-MAIL...parlglobal@aol.com
Partners for Democratic Change (PDC)	http://www.partners-intl.org
Partners for Development (PFD)	http://www.interaction.org/mb/pfd2.html
Partners in Economic Reform, Inc. (PIER)	2000 L Street, N.W., Suite 200 Washington, DC 20036
Partners International Foundation	http://www.partners-international.org
Partners of the Americas (Partners)	http://www.pathfind.org
Pathologists Overseas	E-MAIL...pathoverc@aol.com
Pearl S. Buck International, Inc. (PSBF)	http://www.pearl-s-buck.org
PEOPLink	http://www.peoplink.org
Peregrine Fund, The	http://www.peregrinefund.org
Perkins School for the Blind	http://www.perkins.pvt.k12.ma.us
Phelps-Stokes Fund, The (PSF)	http://www.psfdc.org
Philippine American Foundation (PAF)	E-MAIL...pafwash@aol.com
Physicians Against Land Mines (PALM)	http://www.banmines.org
PLAN International USA, Inc. (d/b/a Childreach)	http://www.childreach.org
Planet Aid	http://www.planetaid.org
Planned Parenthood Federation of America, Inc. (PPFA)	http://www.ppfa.org
Planned Parenthood of New York City, Inc. (Margaret Sanger Center International (MSCI), PPNYC)	ppnyc@ppfa.org
Planned Parenthood of Northern New England, Inc. (PPNNE)	E-MAIL...judyw@ppnne.org
Planning Assistance (PA)	E-MAIL...planasst@igc.apc.org
Points of Light Foundation (POLF)	http://www.pointsoflight.org
Polish American Congress Charitable Foundation (PACCF)	http://www.polamcon.org
Polus Center for Social and Economic Development, Inc.	http://www.walkingunited.com
Population Council	http://www.popcouncil.org
Population Services International (PSI)	http://www.psiwash.org
Premiere Urgence	http://www.premiere-urgence.org/
Private Agencies Collaborating Together, Inc. (PACT)	http://www.pactworld.org
PRO Women (Programs for Women)	E-MAIL...promujer@earthlink.com
Program for Appropriate Technology in Health (PATH)	http://www.path.org
Project Concern International (PCI)	http://www.projectconcern.org
Project Dawn, Inc. (Project Donors and Workers Now, Inc.)	E-MAIL...hornec@stjoseph-candler.org

Project Hope	http://www.projhope.org/
Project HOPE - The People-to-People Health Foundation, Inc. (Project HOPE)	http://www.projhope.org
Project Mercy, Inc.	E-MAIL...promer@gte.net
Project Open Hearts (POH)	http://www.poh.org
Project ORBIS International, Inc.	http://www.orbis.org
Rainforest Alliance, Inc. (RAI)	http://www.rainforest-alliance.org
RARE Center for Tropical Conservation	http://www.rarecenter.org
Reach the Children Relief and Development, Inc.	E-MAIL...jlekholm@aol.com
Red Cross—International Committee of the Red Cross	http://www.icrc.org/
Red Cross—International Federation of red Cross and Red Crescent Societies	http://www.ifrc.org/
Red Cross—The American Red Cross	http://www.redcross.org/
Refugees International	http://www.refintl.org/
Registered Engineers for Disaster Relief RedR - an international NGO with offices in London, Canberra, Auckland and Geneva - relieves suffering in disasters by selecting, training and providing competent and effective personnel to humanitarian relief agencies world-wide.	http://www.redr.org/
Relief International	http://www.ri.org
Relief Net: List of and links to various relief organizations	http://www.reliefnet.org/
Rene Moawad Foundation (RMF)	http://www.rmf.net
Resource Foundation, Inc., The	E-MAIL...resourcefnd@msn.com
Rodale Institute (RI)	E-MAIL...tfolk@rodaleinst.org
Rotary Foundation of Rotary International, The (TRF)	http://www.rotary.org
Rural Enterprise Adaptation Program (REAP)	www.reapintl.com
Sabre Foundation, Inc.	http://www.sabre.org
Salesian Missions (SSI)	http://www.salesianmissions.org
Salvadoran American Health Foundation (SAHF)	http://www.sahf.com
Salvation Army World Service Office, The (SAWSO)	sawso@usn.salvationarmy.org
Samaritan's Purse (SPIR)	http://www.samaritan.org
Save the Children – UK	http://193.129.255.93/
Save the Children – US	http://www.savethechildren.org/
Save the Children Federation, Inc. (SC/US)	http://www.savethechildren.org
Search for Common Ground (SCG)	http://www.sfcg.org

Seed Capital Development Fund, Ltd. (SCDF)	E-MAIL...gil@seedcapital.org
Seeds of Peace (SOP)	http://www.seedsofpeace.org
Self-Help International	www.netins.net/showcase/selfhelp
Seraphim Foundation, Inc.	E-MAIL...seraphim@iamdigex.net
Sexuality Information and Education Council of the U.S. (SIECUS)	http://www.siecus.org
Share and Care Foundation for India (Share & Care)	330 Momar Drive, Ramsey, NJ 07446
Shelter Now International, Inc. (SNI)	http://www.shelter.org
Small Enterprise Assistance Funds (SEAF, formerly CARE Small Business Assistance Corporation)	http://www.seafweb.org
Small Enterprise Education and Promotion Network, The (SEEP)	http://www.seepnetwork.org
Solar Cookers International	http://www.accessone.com/~sbcn
Solidarites	http://www.solidarites.org/
Soros Foundation	http://www.soros.org/
South North Development Initiative, Inc. (SNDI)	E-MAIL...sndi1@aol.com
Sovereign Military Order of Malta, Federal Association, U.S.A. (SMOM)	http://www.smom.org
St. David's Relief Foundation (SDRF)	http://www.stdavids.org
Stop Hunger Now (SHN)	http://www.stophungernow.com
Strategies for International Development (SID)	E-MAIL...sidwashdc@aol.com
Summer Institute of Linguistics, Inc. (SIL, Inc.)	http://www.sil.org
Synergos Institute, The (SI)	http://www.synergos.org
TechnoServe, Inc.	http://www.technoserve.org
Teen Challenge International (TCI)	E-MAIL...tciworld@flash.net
Tera Foundation (TERA)	tera@terafdn.org
Trees for Life, Inc. (TFL)	http://www.treesforlife.org
Trickle Up Program	http://www.trickleup.org
U.S. Grains Council (USGC)	http://www.grains.org
U.S.-Ukraine Foundation, The (USUF)	http://www.usukraine.org
Ukimwi Orphans Assistance (UOA)	E-MAIL...ukimwiorphans@yahoo.com
Ukrainian Congress Committee of America, Inc.	www.ucca.org
United Armenian Fund, The (UAF)	E-MAIL...mchalian@pacbell.net
United Board for Christian Higher Education in Asia	http://www.unitedboard.org
United Israel Appeal, Inc. (UIA)	E-MAIL...pam@uia.com
United Methodist Committee on Relief	http://gbgm-umc.org/units/umcor/

	Mitch Info: http://gbgm-umc.org/storms/hmitch.html
United Methodist Committee on Relief (UMCOR)	http://gbgm-umc.org/units/umcor
United Palestinian Appeal, Inc. (UPA)	E-MAIL...upa@cais.com
United States Catholic Conference, Inc. - Migration and Refugee Services (MRSUSCC)	http://www.nccbuscc.org
United States National Committee for Pacific Economic Cooperation (US-PECC)	http://www.pecc.org
United Ukrainian American Relief Committee (UUARC)	http://www.uuarc.org
United Way International (UWI)	http://www.uwint.org
US Committee for Refugees	http://www.refugees.org/
USA for UNHCR Private group of US citizens seeking to promote and assist UNHCR efforts.	http://www.usaforunhcr.org/
Vellore Christian Medical College Board (USA), Inc.	www.vellorecmc.org
Viet-Nam Assistance for the Handicapped (VNAH)	www.vnah.com
Vietnam Veterans of America Foundation (VVAF, Veterans International (VI))	http://www.vvaf.org
Village Enterprise Zone Associations International, Inc. (VEZA International)	E-MAIL...vezaint@aol.com
Voice of the Martyrs, The	www.persecution.com
Volunteers for Inter-American Development Assistance	www.vidausa.org
Volunteers in Technical Assistance (VITA) VITA defines its mission as empowering the poor in developing countries to manage their own development.	http://www.vita.org/
Volunteers in Technical Assistance, Inc. (VITA)	http://www.vita.org
War Child	http://www.warchild.org/
Water For People (WFP)	http://www.waterforpeople.org
Wellstart International (WSI)	E-MAIL...antoriet@wellstart.org
Wildlife Conservation Society (WCS)	http://www.wcs.org
Winrock International Institute for Agricultural Development (WI)	http://www.winrock.org
Wisconsin/Nicaragua Partners of the Americas, Inc. (W/NP)	http://wnp.uwsp.edu
Women for Women	http://www.embassy.org/wmn4wmn
World Association for Children and Parents (WACAP)	http://www.wacap.org
World Concern Development Organization (WCDO)	http://www.worldconcern.org

World Conference of Mayors, Inc., The (WCM)	www.worldmayors.org
World Council of Credit Unions, Inc. (WOCCU)	http://www.woccu.org
World Education, Inc. (WEI)	http://www.worlded.org
World Emergency Relief (WER)	http://www.wer-us.org
World Federation for Mental Health, Inc. (WFMH)	http://www.wfmh.org
World Health Emergency Medical Funds, Inc. (W.H.E.M.F.)	.www.whemf.com
World Help	http://www.worldhelp.net
World Hope International	http://www.worldhope.net
World Institute on Disability (WID)	http://www.wid.org
World Learning, Inc. (formerly Experiment in International Living)	http://www.worldlearning.org
World Rehabilitation Fund, Inc. (WRF)	http://www.worldrehabfund.org
World Relief Corporation of National Association of Evangelicals (WRC)	http://www.worldrelief.org
World Resources Institute (WRI)	http://www.wri.org/wri
World SHARE, Inc. (SHARE(Self-Help and Resources Exchange))	http://www.worldshare.org/ms
World Vision, Inc. (WVUS)	http://www.worldvision.org
World Wildlife Fund, Inc. (WWF)	http://www.worldwildlife.org
WorldSpace Foundation	www.worldspace.org
Worldwide Humanitarian Aid, Inc. (WHA, Inc.)	E-MAIL...wbarndt1@ix.netcom.com
Zoological Society of Milwaukee County	www.zoosociety.org

APPENDIX C-1: EXCHANGE OF NOTES (DIPLOMATIC NOTES) - NICARAGUA

OTTUZYUW RUEUMVA3361 3312353-UUUU--RUEXCHR.
ZNR UUUU ZZH
0 272355Z NOV 98
FM AMEMBASSY MANAGUA
TO RUEHC/SZCSTATE WASHDC IMMEDIATZ 0499
INFO RUEKJCS/SECDEF WASHDC//USDP/ISA/IA/FMRA//
RUEKJCS/JOINT STAFF WASHDC
RUMIAAA/USCINCSO MIAMI FL//SCJA//
BT
UNCLAS SECTION 01 OF 02 MANAGUA 003361
E.O. 12958: NIA
TAGS: MASS, MARR, PREL, EAID, KTIA, NU
SUBJECT: EXCHANGE OF NOTES ON LEGAL PROTECTION FOR
USFORCES PARTICIPATING IN DISASTER
RELIEF OPERATIONS
REF: STATE 207255
I. FOLLOWING RECEIPT OF REFTEL, EMBASSY FORWARDED TEXT OF PROPOSED AGREEMENT TO THE MFA AS DIPNOTE 230 ON NOVEMBER 7. IN RESPONSE, THE MFA SENT US THEIR DIPNOTE 98/00676 ON NOVEMER 25. INFORMAL TRANSLATION OF THE MFA'S DIPNOTE FOLLOWS.

BEGIN INFORMAL TRANSLATION

COMPLIMEMARY OPENING ... AND REFERS TO NOTE NO. 230 OF THE EMBASSY, WITH THE DATE OF NOVEMBER 7, 1998, THE TEXT OF WHICH IS CONTAINED BELOW:

'COMPLIMENTARY OPENING ... AND HAS THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS REGARDING U.S. MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE WHO WILL BE PRESENT IN NICARACUA IN CONNECTZON WITH THE UPCOMING DISASTER RELIEF/ASSISTANCE EFFORT, AND ANY MUTUALLY AGREED FOLLOW-ON ACTIVITIES.

AS A RESULT OF THESE DISCUSSIONS, THE EMBASSY HAS THE HONOR TO PROPOSE THAT SUCH PERSONNEL BE ACCORDED A STATUS EQUIVALENT TO THAT ACCORDZD TO ***ADMINISTRATIVE*** AND ***TECHNICAL*** STAFF UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF APRIL 18, 1961. THE EMBASSY FURTHER PROPOSES

THAT UNITED STATES MILITARY AM CIVILIAN PERSONNEL OF THE UNITID STATES DEPARTMENT OF DEFENSE MAY ENTER AND EXIT NICARAGUA WITH UNITED STATES IDENTIFICATION AND WITH COLLECTIVE MOVEMENT OR INDIVIDUAL TRAVEL ORDERS, THAT NICARAGUAN AUTHORITIES SMALL ACCEPT AS VALID, WITHOUT A
DRIVING FEE OR TEST, DRIVING LICENSES OR PERMITS ISSUED BY THE APPROPRIATE UNITED STATES AUTHORITIES TO U.S. PERSONNEL FOR THE OPERATION OF VEHICLES; AND THAT MILITARY PERSONNEL BE AUTHORIZED TO WEAR UNIFORMS WHILE PERFORMING OFFICIAL DUTIES

THE EMBASSY ALSO PROPOSES THAT THE GOVERNMENT FQ NICARAGUA ACCORD DUTY-FREE IMPORTATION AND EXPORTATION, AS WELL AS EXEMPTION FROM TAXATION 0N PRODUCTS, PROPERTY, MATERIAL, EQUIPMENT, VEHICLES, VESSELS, AND AIRCRAFT IMPORTED INTO, ACQUIRED IN OR EXPORTED FROM NICARAGUA BY OR ON BEHALF OF THE UNITED STATES GOVERNMENT OR ITS PERSONNEL IN CONNECTION WITH THEIR ACTIVITIES; AND THAT THE PARTIES SHALL COOPERATE IN TAKING SUCH STEPS AS SHALL BE NECESSARY TO INSURE THE SECURITY OF U.S. PERSONNEL AND PROPERTY IN NICARAGUA,

THE EMBASSY FURTHER PROPOSES THAT VEHICLES, VESSELS, AND AIRCRAFT OWNED OR OPERATED BY OR FOR THE UNITED STATES ARMED FORCES SHALL NOT BE SUBJECT TO THE PAYMENT OF LANDING OR PORT FEES, PILOTAGE CHARGES, NAVIGATION, OVERFLIGHT OR PARKING CHARGES OR LIGHT OR HARBOR DUES WHILE IN NICARAGUA; HOWEVER, THE UNITED STATES ARMED FORCES SHALL PAY REASONABLE CHARGES FOR SSRVICES REQUESTED AND RECEIVED.

FINALLY, THE EMBASSY PROPOSES THAT BOTH GOVERNMENTS SHALL WAIVE ANY AND ALL CLAIMS (OTHER THAN CONTRACTUAL CLAIMS) AGAINST EACH OTHER FOR PERSONNEL INJURY TO OR DEATH OF THEIR MILITARY OR CIVILIAN PERSONNEL, OR FOR DAMAGE, LOSS, OR DESTRUCTION OF THE OTHER'S MILITARY PROPERTY ARISING OUT OF THE ACTIVITIES UNDER THIS EXCHANGE OF NOTES. THE UNITED STATES GOVERNMENT SHALL PAY, IN ACCORDANCE WITH UNITED STATES LAW, FAIR AND REASONABLE COMPENSATION IN SETTLEMENT OF MERITORIOUS CLAIMS BY THIRD PARTIES ARISING OUT OF ACTS OR OMISSIONS OF UNITED STATES DEFENSE PERSONNEL, OR WHICH ARE OTHERWISE INCIDENT TO NON-COMBAT ACTIVITIES OF THE UNITED STATES ARMED FORCES UNDER THIS EXCHANGE OF NOTES.

ADDITIONAL ARRANGEMENTS AS MAY BE NECESSARY SHALL BE ENTERED INTO BY THE APPROPRIATE AUTHORITIES OF THE TWO GOVE-RNMENTS.

IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF NICARAGUA, THE EMBASSY PROPOSES THAT THIS NOTE, TOGETHER WITH THE MINISTRY'S REPLY TO THAT EFFECT, SHALL CONSTITUTE AN AGREEMENT BETWEEN THE TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THE DATE OF THE MINISTRY'S REPLY, AND SHALL REMAIN IN FORCE FOR THE DURATION OF THE CURRENT ACTIVITY AND ANY AGREED FOLLOW-ON ACTIVITIES.

(COMPLIMENTARY CLOSE)

WITH REGARD TO THIS MATTER, THE MINISTRY OF FOREIGN RELATIONS HAS THE HONOR TO INFORM THE HONORABLE EMBASSY OF THE UNITED STATES OF AMERICA THAT THE PROPOSALS CONTAINED IN NOTE NO. 230 OF THE EMBASSY, DATED NOVEMBER 7, 1998, ARE ACCEPTABLE TO THE GOVERNMENT OF NICARAGUA, AND CONFIRMS THAT NOTE NO. 230 AND THIS NOTE RESPONDING TO IT WILL CONSTITUTE AN ACCORD BETWEEN THE TWO GOVERNMENTS, WHICH WILL ENTER INTO FORCE FROM TODAY AND WILL LAST FOR DURING THE PERIOD OF CURRENT ACTIVITIES OF EMERGENCY, RECONSTRUCTION AND TRANSFORMATION WHICH WILL BE UNDZRTAKEN IN RESPONSE TO THE DAMAGES CAUSED BY HURRICANE MITCH, AND CAN BE EXTENDED FOR ACTIVITIES SUBSEQUENTLY AGREED TO BY BOTH GOVERNMENTS.

COMPLIMENTARY CLOSE.

END INFORMAL TRANSLATION.

2. AS REQUESTED IN RETTEL, THE ORIGINAL CON NOTE ADM A CERTIFIED COPY OP THE EmBAssy,s soTZ WILL BE SENT TO L/T.
GVTIER"Z
INT
#3361
NNM

APPENDIX C-2: SEC. OF STATE INSTRUCTIONS ON DIPLOMATIC NOTES

UNCLASSIFIED
Joint Staff
Communications Center

PAGE 01 OF 04
USER:
TOR: 061823Z NOV 98

OTTUZYUW RUEHCAA7255 3101728-UUUU--RUEKAMH.
ZNR UUUUU ZZH
O 061725Z NOV 98
FM SECSTATE WASHDC
TO RUEHSN/AMEMBASSY SAN SALVADOR IMMEDIATE 1533
RUEHGT/AMEMBASSY GUATEMALA IMMEDIATE 5026
RUEHMU/AMEMBASSY MANAGUA IMMEDIATE 7516
RUEHSJ/AMEMBASSY SAN JOSE IMMEDIATE 3289
RUEHBE/AMEMBASSY BELIZE IMMEDIATE 9506
INFO RUEHTG/AMEMBASSY TEGUCIGALPA IMMEDIATE 8943
RUEKJCS/SECDEF WASHDC//USPD:ISA/IA/FMRA//IMMEDIATE 0176
RUEKJCS/JOINT STAFF WASHDC IMMEDIATE 8777
RUMIAAA/USCINCSO MIAMI FL IMMEDIATE
BT
UNCLAS SECTION 01 OF 02 STATE 207255

E.O. 12958: N/A
TAGS: MASS, MARR, PREL, EALD, KTIA, ES, GT, NU, CS, BH, HO
SUBJECT: EXCHANGE OF NOTES ON LEGAL PROTECTION FOR US
FORCES PARTICIPATING IN DISASTER RELIEF EFFORTS

1. THE USG HAS APPROVED THE DEPLOYMENT OF US FORCES TO HONDURAS, EL SALVADOR, GUATEMALA, NICARAGUA, COSTA RICA, AND BELIZE FOR DISASTER RELIEF AND ASSISTANCE IN THE WAKE OF HURRICANE MITCH. WHILE NUMBERS OF PERSONNEL AND EXACT DATES OF DEPLOYMENT ARE NOT YET DECIDED, DOD EXPECTS DEPLOYMENTS TO PROCEED WITHIN THE NEXT FEW DAYS. ACCORDINGLY, ACTION ADDRESSEES SHOULD IMMEDIATELY APPROACH HOST GOVERNMENTS TO CONCLUDE ARRANGEMENTS FOR EXTENDING LEGAL PROTECTIONS TO US FORCES ENGAGED IN SUCH EFFORTS.

2. USING THE TEXT BELOW, EMBASSIES SHOULD PROPOSE TO THEIR HOST GOVERNMENTS AN EXCHANGE OF DIPLOMATIC NOTES ON THE STATUS OF US PERSONNEL PARTICIPATING IN THE PLANNED OPERATIONS.

3. BEGIN TEXT OF U.S. NOTE:

(COMPLIMENTARY OPENING) AND HAS THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO

GOVERNMENTS REGARDING U.S. MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE WHO WILL BE PRESENT IN (COUNTRY) IN CONNECTION WITH THE UPCOMING DISASTER RELIEF/ASSISTANCE EFFORT, AND ANY MUTUALLY AGREED FOLLOW-ON ACTIVITIES.

AS A RESULT OF THESE DISCUSSIONS, THE EMBASSY HAS THE HONOR TO PROPOSE THAT SUCH PERSONNEL BE ACCORDED A STATUS EQUIVALENT TO THAT ACCORDED TO ADMINISTRATIVE AND TECHNICAL STAFF UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS

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USER: TOR: 061823Z NOV 98

OF APRIL 18, 1961. THE EMBASSY FURTHER PROPOSE THAT UNITED STATES MILITARY AND CIVILIAN PERSONNEL OF THE UNITED STATES DEPARTMENT OF DEFENSE MAY ENTER AND EXIT (COUNTRY) WITH UNITED STATES IDENTIFICATION AND WITH COLLECTIVE MOVEMENT OR INDIVIDUAL TRAVEL ORDERS, THAT (COUNTRY) AUTHORITIES SHALL ACCEPT AS VALID, WITHOUT A DRIVING FEE OR TEST, DRIVING LICENSES OR PERMITS ISSUED BY THE APPROPRIATE UNITED STATES AUTHORITIES TO U.S. PERSONNEL FOR THE OPERATION OF VEHICLES; AND THAT MILITARY PERSONNEL BE AUTHORIZED TO WEAR UNIFORMS WHILE PERFORMING OFFICIAL DUTIES, AND TO CARRY WEAPONS IF AUTHORIZED BY THEIR ORDERS.

THE EMBASSY ALSO PROPOSES THAT THE GOVERNMENT OF (COUNTRY) ACCORD DUTY-FREE IMPORTATION AND EXPORTATION, AS WELL AS EXEMPTION FROM TAXATION ON PRODUCTS, PROPERTY, MATERIAL, EQUIPMENT, VEHICLES, VESSELS, AND AIRCRAFT IMPORTED INTO, ACQUIRED IN OR EXPORTED FROM (COUNTRY) BY OR ON BEHALF OF THE UNITED STATES GOVERNMENT OR ITS PERSONNEL IN CONNECTION WITH THEIR ACTIVITIES; AND THAT THE PARTIES SHALL COOPERATE IN TAKING SUCH STEPS AS SHALL BE NECESSARY TO INSURE THE SECURITY OF U.S. PERSONNEL AND PROPERTY IN (COUNTRY).

THE EMBASSY FURTHER PROPOSES THAT VEHICLES, VESSELS, AND AIRCRAFT OWNED OR OPERATED BY OR FOR THE UNITED STATES ARMED FORCES SHALL NOT BE SUBJECT TO THE PAYMENT OF LANDING OR PORT FEES, PILOTAGE CHARGES, NAVIGATION, OVERFLIGHT OR PARKING CHARGES OR LIGHT OR HARBOR DUES WHILE IN (COUNTRY); HOWEVER, THE UNITED STATES ARMED FORCES SHALL PAY REASONABLE CHARGES FOR SERVICES REQUESTED AND RECEIVED.

FINALLY, THE EMBASSY PROPOSES THAT BOTH GOVERNMENTS SHALL WAIVE ANY AND ALL CLAIMS (OTHER THAN CONTRACTUAL CLAIMS) AGAINST EACH OTHER FOR PERSONAL INJURY TO OR DEATH OF THEIR MILITARY OR CIVILIAN PERSONNEL, OR FOR DAMAGE, LOSS, OR DESTRUCTION OF THE OTHER'S MILITARY PROPERTY ARISING OUT OF

THE ACTIVITIES UNDER THIS EXCHANGE OF NOTES. THE UNITED STATES GOVERNMENT SHALL PAY, IN ACCORDANCE WITH UNITED STATES LAW, FAIR AND REASONABLE COMPENSATION IN SETTLEMENT OF MERITORIOUS CLAIMS BY THIRD PARTIES ARISING OUT OF ACTS OR OMISSIONS OF UNITED STATES DEFENSE PERSONNEL, OR WHICH ARE OTHERWISE INCIDENT TO NON-COMBAT ACTIVITIES OF THE UNITED STATES ARMED FORCES UNDER THIS EXCHANGE OF NOTES.

ADDITIONAL ARRANGEMENTS AS MAY BE NECESSARY SHALL BE ENTERED INTO BY THE APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS.

IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF (COUNTRY) THE EMBASSY PROPOSES THAT THIS NOTE, TOGETHER WITH THE MINISTRY'S REPLY TO THAT EFFECT, SHALL CONSTITUTE

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USER: TOR: 061823Z NOV 98

BT
UNCLAS SECTION 02 OF 02 STATE 207255

E.O. 12958: N/A
TAGS: MASS, MARR, PREL, EALD, KTIA, ES, GT, NU, CS, BH, HO
SUBJECT: EXCHANGE OF NOTES ON LEGAL PROTECTION FOR US FORCES PARTICIPATING IN DISASTER RELIEF EFFORTS

AN AGREEMENT BETWEEN THE TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THE DATE OF THE MINISTRY'S REPLY, AND SHALL REMAIN IN FORCE FOR THE DURATION OF THE CURRENT ACTIVITY AND ANY AGREED FOLLOW-ON ACTIVITIES. (COMPLIMENTARY CLOSE) END TEXT.

4. EMBASSY SHOULD ALSO INDICATE INFORMALLY TO THE HOST GOVERNMENT THAT ITS RESPONSE SHOULD READ AS FOLLOWS:

(COMPLIMENTARY OPENING) AND REFERS TO THE EMBASSY'S NOTE (NUMBER), OF (DATE), WHICH READS AS FOLLOWS: (QUOTE FULL TEXT OF U.S. NOTE). THE MINISTRY OF FOREIGN AFFAIRS HAS THE FURTHER HONOR TO INFORM THE EMBASSY THAT THE PROPOSALS SET FORTH IN THE EMBASSY'S NOTE ARE ACCEPTABLE TO THE GOVERNMENT OF (COUNTRY), AND TO CONFIRM THAT THE EMBASSY'S NOTE AND THIS NOTE IN REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN THE TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THIS DATE.

5. DEPARTMENT HOPES THAT AGREEMENTS CAN BE IN PLACE IN MOST COUNTRIES PRIOR TO THE DEPLOYMENTS. FOR THAT REASON, EMBASSIES SHOULD URGE ACCEPTANCE OF THE ABOVE PROPOSED TEXT, WHICH HAS BEEN USED AS A STANDARD TEXT IN MANY COUNTRIES, WITHOUT CHANGES. HOWEVER, ANY PROPOSED TEXT CHANGES SHOULD BE FORWARDED TO THE DEPARTMENT BY THE QUICKEST AVAILABLE MEANS FOR EVALUATION, PRIOR TO FINAL AGREEMENT/SIGNATURE.

6. FOR SAN SALVADOR: PER SAN SALVADOR 4019, (REPLY TO WHICH IS IN PROGRESS) AN AGREEMENT IS IN PLACE WITH THE

GOES COVERING PREPLANNED EXERCISES AND ACTIVITIES DURING CALENDAR YEAR 1998. EMBASSY MAY WISH TO EXPLORE WHETHER THE GOES IS WILLING TO STATE, IN AN EXCHANGE OF NOTES, THAT THE PROVISIONS OF THAT AGREEMENT WILL APPLY TO THIS UNPLANNED DEPLOYMENT AND ANY FOLLOW-ON ACTIVITIES.

7. NOTE: UPON CONCLUSION OF THE EXCHANGE OF NOTES, POST SHOULD SEND THE ORIGINAL HOST GOVERNMENT NOTE AND A CERTIFIED COPY OF THE U.S. NOTE TO THE DEPARTMENT OF STATE LIT, ROOM 5420 (ATTN: LALLDER). STATE POC IS YANTI KAPOYOS, PM/ISP, COMMERCIAL PHONE (202) 736-7337. DOD POC IS STEVE KLEMP, OASD/ISA/FMRA, COMMERCIAL (V03) 695-7782.

UNCLASSIFIED

APPENDIX C-3: GUATEMALA AGREEMENT

CTIA-NO: 3439.000

REF-NO: UNTS: 262 UNTS 105 TIAS: TIAS 3283 UST: 6 UST 210~

TITLE: Agreement between the U.S. and Guatemala concerning Mutual Defense Assistance. Agreement signed at Guatemala City June 18, 1955; Entered into force July 18, 1955.

DATE: SIGNED June 18, 1955 INFORCE June 18, 1955

LENGTH: 1989 words

TEXT:

The Government of the United States of America and the Government of the Republic of Guatemala:

Conscious of their pledges under the Inter-American Treaty of Reciprocal Assistance and other international instruments to assist any American State subjected to an armed attack and to act together for the common defense and for the maintenance of the peace and security of the Western Hemisphere;

Desiring to foster international peace and security within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles;

Reaffirming their determination to give their full cooperation to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on universal regulation and reduction of armaments under adequate guarantee against violation;

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting legislation which provides for the furnishing of military assistance to nations which have joined with it in collective security arrangements;

Desiring to set forth the conditions which will govern the furnishing of such assistance by one Government to the other;

Have agreed as follows:

Article I

1. Each Government will make or continue to make available to the other, and to such additional governments as the parties hereto may in each case agree upon, such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize and in accordance with such terms and conditions as may be agreed. The furnishing and use of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations under which each nation is obliged not to undertake any act of aggression against any other nation. Such assistance shall be so designed as to promote the defense of the Western Hemisphere and be in accordance with defense plans under which both Governments will participate in missions important to the defense of the Western Hemisphere. Assistance made available by the Government of the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all the terms, conditions and termination provisions of applicable United States legislation. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of the Republic of Guatemala undertakes to make effective use of assistance received from the Government of the United States of America pursuant to this Agreement for the purpose of implementing defense plans, accepted by the two Governments, under which the two Governments will participate in missions important to the defense of the Western Hemisphere, and will not, without the prior agreement of the Government of the United States of America, devote such assistance to purposes other than those for which it was furnished.

3. Arrangements will be entered into under which equipment and materials furnished pursuant to this Agreement and no longer required for the purposes for which it was originally made available (except equipment and materials furnished under terms requiring reimbursement) will be returned to the Government which furnished such assistance for appropriate disposition.

4. In the common security interest each Government undertakes not to transfer to any person not an officer or employee or agent of such Government, or to any other Government, title to or possession of any equipment, materials, or services furnished under this Agreement without the prior agreement of the other Government. The transfer of equipment or materials on a reimbursable basis shall be in accordance with terms and conditions relating to such transfers which may be agreed to by the two Governments.

5. The two Governments will establish procedures whereby the Government of the Republic of Guatemala will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the

Government of the United States of America so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when in the opinion of the Government of the United States of America any such legal process would interfere with the attainment of the objectives of the said program of assistance.

6. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

Article II

Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

Article III

The two Governments will, upon request of either of them, negotiate appropriate arrangements relating to the exchange of patent rights and technical information for defense in order to expedite such exchanges and at the same time protect private interests and maintain security safeguards.

Article IV

1. The Government of the Republic of Guatemala will from time to time make available to the Government of the United States of America quetzales in amounts to be agreed for the use of the latter Government for its administrative and operating expenditures in connection with carrying out the purposes of the Mutual Security Act of 1954.

The two Governments will forthwith initiate discussions with a view to determining the amount of such quetzales and to agreeing upon arrangements for the furnishing of such quetzales.

2. The Government of the Republic of Guatemala will, except as may otherwise be agreed, grant duty-free treatment and exemption from internal taxation upon importation or exportation to products, property, materials, or equipment imported into its territory in connection with this Agreement or any similar agreement between The United States of America and any other country receiving military assistance.

3. The operations and expenditures effected in Guatemala by or on behalf of the Government of the United States for the common defense effort including those carried out as a consequence of any other foreign aid program will be relieved

from all taxation. To this end the Government of the Republic of Guatemala will prescribe pertinent procedures satisfactory to both Governments.

Article V

1. Each Government will receive personnel of the other Government who will discharge responsibilities of the other Government in connection with the implementation of this Agreement. Such personnel will be accorded facilities for continuous observation and review of programs of assistance under this Agreement, including the utilization of any such assistance. Such personnel who are national of that other country, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of the sending country, and shall be accorded all privileges and immunities conferred by international custom to Embassy personnel of corresponding rank. Privileges and courtesies incident to diplomatic status, such as diplomatic automobile license plates, inclusion on the "diplomatic list", and social courtesies may be waived by the sending Government for its personnel other than the senior military member and the senior Army, Navy and Air Force officer and their respective immediate deputies.

2. The two Governments will negotiate arrangements for classification of personnel and for appropriate notification thereof to the host Government.

3. The Government of the Republic of Guatemala will grant, upon request of the Chief of the Diplomatic Mission of the Government of the United States, exemption from import and export duties on articles imported for the personal use of such personnel and of members of their families and will take adequate administrative measures to facilitate and expedite the importation and exportation of the personal property of such individuals and their families.

Article VI

Existing arrangements relating to Armed Forces missions of the United States of America established under other instruments are not affected by this Agreement and will remain in full force.

Article VII

In the interest of their mutual security, the two Governments will cooperate in measures designed to control trade with nations which threaten the security of the Western Hemisphere.

Article VIII

The two Governments reaffirm their determination to join in promoting international understanding and goodwill and maintaining world peace, to take

such action as may be mutually agreed upon to eliminate causes of international tension, and to fulfill the military obligations assumed under multilateral or bilateral agreements and treaties to which both are parties. The Government of the Republic of Guatemala will, consistent with its political and economic stability, make the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world, and will take all reasonable measures which may be needed to develop its defense capacities.

Article IX

Whereas this Agreement has been negotiated and concluded on the basis that the Government of the United States of America will extend to the other party thereto the benefits of any provision in a similar agreement concluded by the Government of the United States of America with any other American Republic, it is understood that the Government of the United States of America will interpose no objection to amending this Agreement in order that its provisions may conform, in whole or in part, to the corresponding provisions of any similar Military Assistance Agreement, or agreements amendatory thereto, concluded with an American Republic.

Article X

1. This Agreement shall enter into force on the date of signature, and shall continue in force until one year after the receipt by either party of written notice of the intention of the other party to terminate it, except that the provisions of Article I, paragraphs 2 and 4 and arrangements made pursuant to the provisions of Article 1, paragraphs 3, 5 and 6 and of Article III shall remain in force unless otherwise agreed by the two Governments.

2. The two Governments shall, upon the request of either of them, consult regarding any matter relating to the application or amendment of this Agreement.

3. This Agreement shall be registered with the Secretary General of the United Nations.

DONE at Guatemala City in duplicate in the Spanish and English languages, both equally authentic, on the eighteenth day of June 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA THOMAS C. MANN, Thomas C. Mann, Charg' Affairs a. i. of the United States of America

FOR THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA RICARDO QUINEZ L, Ricardo Quinez L., Secretary General of the Presidency and Charg of the Ministry for Foreign Affairs.

APPENDIX C-4: HONDURAN EXCHANGE OF NOTES AND CRIMINAL JURISDICTION PROTOCOL

CONTENTS:

1. Exchange of Notes - privileges and immunities, dated 8 Dec 82 (TIAS 10890).

2. Protocol - criminal jurisdiction, dated 20 May 85 (TIAS 11256) and Annex - US military and civilian personnel not covered by protocol.

TIAS 10890

HONDURAS

Defense: Privileges and Immunities

Agreement effect by exchange of notes
Signed at Tegucigalpa December 8, 1982;
Entered into force December 8, 1982.

The American Charge d'Affaires ad interim to the Honduran Minister of Foreign Relations

EMBASSY OF THE
UNITED STATES OF AMERICA
Tegucigalpa, D.C., December 8, 1982

No. 227
Excellency:

I have the honor to refer to recent discussions between our two Governments concerning military exercises in Honduras conducted by the combined Armed Forces of our two Governments.

I wish to confirm our understanding that military and civilian personnel of the United States Armed Forces who participate in such combined military exercises in Honduras are discharging responsibilities in implementation of the Bilateral Military Assistance Agreement between our two Governments of May 20, l954.[1] Accordingly, such personnel shall be accorded the privileges, immunities and treatment described in Article V of that Agreement. Furthermore, I also wish to confirm that my Government agrees to waive for such personnel those courtesies provided for in Article V of the 1954 Agreement relating to the diplomatic list, diplomatic automobile license plates and comparable social courtesies.

If this understanding meets with your approval, I propose that this note together with your note of acceptance shall constitute an agreement between our two Governments which shall enter into force on the date of your reply.

Accept, Excellency, the renewed assurances of my highest esteem.

Shepard C. Lowman
Charge d'Affaires ad interim

His Excellency
Dr. Edgardo Paz Bamica
Minister of Foreign Relations of the
Republic of Honduras
Tegulcigalpa, D.C.

[1] TIAS 2975; 5 UST 843

TRANSLATION

Republic of Honduras
Department of Foreign Relations

No. 1121-DSM

Tegucigalpa, D.C.,
8 December, 1982

Sir:

I have the honor to acknowledge receipt of your note No. 227 of today's date, referring to military exercises in Honduras conducted by the combined Armed Forces of our two Governments.

I take pleasure in informing you that my Government is also of the understanding that military and civilian personnel of the United States Armed Forces who participate in such combined military exercises in Honduras do so in implementation of the Bilateral Military Assistance Agreement between our two Governments of May 70, 1954. Accordingly, such personnel shall be accorded the privileges, immunities, and treatment described in Article V of that Agreement. I note as well that your Government agrees to waive for such personnel those courtesies provided for in Article V of the 1954 Agreement relating to the diplomatic list, diplomatic license plates, and comparable courtesies.

It is also understood that this acceptance constitutes an agreement between our two Governments which shall enter into force on today's date.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

[Signature]
[SEAL] Edgardo Paz Barnica
Minister

The Honorable
Shepard C. Lowman,
Charge d'Affaires,
Embassy of the United States of America,
Tegucigalpa

HONDURAS

TIAS 11256

DEFENSE: Criminal Jurisdiction

Protocol Relating to the agreement of May 20, 1954.
Signed at Washington May 20, 1985;
Entered into force April 9, 1987.

PROTOCOL I
TO THE BILATERAL MILITARY ASSISTANCE AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF HONDURAS
SIGNED 20 MAY 1954,[2]
CONCERNING THE
EXERCISE OF CRIMINAL JURISDICTION OVER
UNITED STATES PERSONNEL PRESENT IN HONDURAS

The Government of the United States of America and the Government of Honduras, have agreed as follows:

1. As used in this Protocol, the term "United States personnel" means the military and civilian personnel of the United States armed forces temporarily present in Honduras for the purpose of participating in military exercises, or for other temporary purposes, authorized by the Government of Honduras. Within this definition:

A. The term "military personnel" refers to military members of the United States Army, Navy, Marine Corps, or Air Force.

B. The term "civilian personnel" refers to individuals accompanying and employed by the United States armed forces.

2. United States personnel shall respect the laws in force in Honduras and refrain from any activity inconsistent with the letter and spirit of the 1954 Mutual Assistance Agreement and this Protocol, and in particular from any political activity. The United States will take appropriate measures to this end.

3. Subject to the provisions of this Protocol,

A. The authorities of Honduras shall have jurisdiction over United States personnel in Honduras with respect to offenses committed within Honduras and punishable under the law of Honduras.

B. United States authorities shall have the right to exercise within Honduras all criminal and disciplinary jurisdiction conferred on them by United States law over United States personnel.

4. The authorities of the United States and the authorities of Honduras shall have the right to exercise jurisdiction over United States personnel in accordance with the following rules:

A. The authorities of Honduras shall have exclusive jurisdiction over United States personnel with respect to offenses, including offenses relating to security, punishable under the law of Honduras, but not under the law of the United States.

[2] TIAS 2975; 5 UST 843 - not transcribed

B. United States authorities shall have the right to exercise exclusive jurisdiction over United States personnel with respect to offenses. including offenses relating to security, punishable under the law of the United States, but not under the law of Honduras.

C. For the purposes of this paragraph and paragraph 5, an offense relating to security means:

i. Treason;

ii. Sabotage, espionage or violation of any law relating to national defense or national security information, or any other crime against national security codified or specifically identified in the respective laws of both States.

5. In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply:

A. United States authorities shall have the primary right to exercise jurisdiction over United States personnel in relation to:

i. Offenses solely against the property or security of the Untied States or offenses solely against the person or property of United States personnel:

ii. Any illegal acts or omissions arising out of the performance of official duty.

B. In the case of any other offense, the authorities of Honduras shall have the primary right to exercise jurisdiction.

C. The authorities of either Government may request the authorities of the other Government to waive its primary right to exercise jurisdiction in a particular case. The government of Honduras shall exercise its primary right of jurisdiction in those cases it determines to be of exceptional importance, and only if it so notifies United States authorities within 15 days of the discovery of the alleged offense giving rise to such a case.

D. In those cases in which a State does not exercise its primary right of jurisdiction. in accordance with paragraph 5.C., it may appoint an observer who will be present during the trial of an accused.

E. When an illegal act or omission arises out of the performance of official duty, the competent United States authority shall issue a certificate to this effect. The Government of Honduras shall consider this certificate as sufficient proof for the purpose of paragraph 5.A.ii. of this Protocol. However, the Government of Honduras may request, within ten days from the receipt of this certificate, a review of the issuance of the certificate by the appropriate military authorities of the two governments. This review shall be completed within ten days from the receipt of the request.

6. A. Within the scope of their legal competence, the authorities of Honduras and the United States shall assist each other in the arrest of United States personnel and in handing them over to the authorities who are to exercise jurisdiction in accordance with the provisions of this Protocol.

B. The authorities of Honduras shall promptly notify the authorities of the United States of the arrest or detention of United States personnel.

C. The custody of any United States personnel over whom the authorities of Honduras are to exercise jurisdiction shall reside with United States authorities from the commission of the offense until the completion of all investigative and judicial proceedings. United States authorities shall, upon the request of the authorities of Honduras, and without delay, make such a person available to those authorities for the purpose of any investigation or judicial proceeding associated with the offense with which the accused has been charged.

7. A. Within the scope of their legal competence, the authorities of the United States and Honduras shall assist each other in the carrying out of all necessary investigations into offenses and shall cooperate in providing for the attendance of witnesses and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense.

B. The authorities of the United States and of Honduras shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

8. A. When an accused has been tried in accordance with the provisions of this Protocol and has been acquitted or has been convicted and is serving, or has served, his sentence. or has had his sentence remitted or suspended, or when he has been pardoned, he may not be tried again for the same offense within Honduras. Nothing in this paragraph shall, however, prevent the military authorities of the United States from trying United States military personnel for any violation of rules of discipline arising from the act or omission which constituted an offense for which he was tried by the authorities of Honduras.

B. United States authorities may not carry out a death sentence within Honduras.

9. When United States personnel are detained, are in custody, or are being prosecuted by the authorities of Honduras, they shall be accorded all procedural safeguards established by the law of Honduras. Such procedural safeguards shall include the right:

A. to have a prompt and speedy trial;

B. to be informed in advance of trial of the specific charge or charges made against them, and to have a reasonable time to prepare their defense;

C. to be confronted with witnesses against them;

D. to present evidence in their defense, including legal process to compel witnesses to appear if such witnesses are within the jurisdiction of Honduras;

E. to have legal representation of their own choice at every stage of investigation and for their defense and, if appropriate under Honduran law, to have free legal representation;

F. to have the services of a competent interpreter, if necessary;

G. to communicate with a representative of the United States and to have a representative of the United States present at their trial. This trial shall be public, unless the court, in accordance with the law of Honduras, excludes persons whose presence at the trial is not necessary;

H. not to be found guilty of an offense on account of any act or omission which did not constitute an offense under the law of Honduras at the time it was committed;

I. to be presumed innocent, until proven guilty;

J. to be protected from the use of a confession obtained by illegal or improper means;

K. not to be compelled to testify against or otherwise incriminate themselves;

L. since the right of defense is inviolable, not to be tried or convicted if mentally or physically unfit to participate in their defense;

M. not to be tried or convicted more than once for the same offense;

N. to appeal a conviction or sentence in those cases in which they have been declared guilty;

O. to have credited to any sentence of confinement their period of pretrial detention by either State; and,

P. to be visited regularly by members of their immediate families and representatives of the United States

10. United States Personnel serving sentences in Honduras shall have the right to visits and material assistance.

11. United States personnel shall be subject to trial only by Honduran courts of ordinary jurisdiction. Such personnel shall not be subject to the jurisdiction of Honduran military courts, even during a state of siege.

12. A. United States military police may take all appropriate measures with respect to United States military personnel necessary to ensure the maintenance of order and security on Honduran military facilities to which such personnel have been granted access.

B. Outside such facilities, military police shall be employed only subject to prior arrangements with appropriate Honduran authorities and only in so far as such employment is necessary to maintain order and discipline among United States military personnel.

13. For purposes of criminal jurisdiction, this Protocol supersedes the Exchange of Notes of December 8, 1982, regarding military exercises in Honduras.[3] United States military and civilian personnel in Honduras not covered by this Protocol are listed in the Annex hereto.

14. This Protocol shall enter into force through an exchange of diplomatic notes confirming that both Governments have completed their respective internal procedures.[4]

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[3] TIAS 190890

[4] Apr. 9, 1987

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Protocol.

DONE at Washington, this 20th day of May, 1985, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
John D. Negroponte

FOR THE GOVERNMENT OF HONDURAS:
Roberto Suazo

ANNEX

United States military and civilian personnel in Honduras not covered by Protocol I to the 1954 Military Assistance Agreement are as follows:

1-- United States Defense attaches, and other personnel attached to the United States Defense Attache Office*;

2-- Marine guards of the United States Embassy *;

3-- Personnel assigned to the United States Military Group;

4-- Personnel attached to the United States Military Group to assist in performing its functions; and

5-- Personnel present in Honduras in connection with the United States security assistance program, under the direction of the United States Military Group, as agreed with the Government of Honduras.

*Status derives from 1961 Vienna Convention on Diplomatic Relations.[5]

[5] TIAS 7502; 23 UST 3227.

APPENDIX D-1: DRAWDOWN AUTHORITY 1

THE WHITE HOUSE

WASHINGTON

November 6, 1998

Presidential Determination
No. 99-03

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE

SUBJECT: Drawdown Under Section 506(a)(2)(A)(i)(II) of the Foreign Assistance Act of 1961, as Amended to Provide Emergency Disaster Relief Assistance for Honduras, Nicaragua, El Salvador, and Guatemala

Pursuant to the authority vested in me by section 506(a)(2)(A)(i)(II) of the Foreign Assistance Act of 1961, as amended ("the Act"), 22 U.S.C. 2318(a)(2), I hereby determine that it is in the national interest of the United States to draw down articles and services from the inventory and resources of the Department of Defense, for the purpose of providing international disaster relief assistance to Honduras, Nicaragua, El Salvador, and Guatemala.

Therefore, I direct the drawdown of up to $30 million of articles and services from the inventory and resources of the Department of Defense for the Governments of Honduras, Nicaragua, El Salvador, and Guatemala for the purposes and under the authorities of chapter 9 of part I of the Act.

The Secretary of State is authorized and directed to report this determination to the Congress immediately and to arrange for its publication in the Federal Register.

William J. Clinton

APPENDIX D-2: DRAWDOWN AUTHORITY 2

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release November 14, 1998

November 14, 1998

Presidential Determination
No.

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE

SUBJECT: Drawdown Under Section 506(a)(2)(A)(i)(II) of the Foreign Assistance Act to Provide Emergency Disaster Relief Assistance for Honduras, Nicaragua, El Salvador, and Guatemala

Pursuant to the authority vested in me by section 506(a)(2) (A)(i)(II) of the Foreign Assistance Act of 1961, as amended ("the Act"), 22 U.S.C. 2318(a)(2), I hereby determine that it is in the national interest of the United States to draw down articles and services from the inventory and resources of the Department of Defense, for the purpose of providing international disaster relief assistance to Honduras, Nicaragua, El Salvador, and Guatemala.

Therefore, I direct the drawdown of up to $45 million of articles and services from the inventory and resources of the Department of Defense for the Governments of Honduras, Nicaragua, El Salvador, and Guatemala for the purposes and under the authorities of chapter 9 of part I of the Act.

The Secretary of State is authorized and directed to report this determination to the Congress immediately and to arrange for its publication in the Federal Register.

WILLIAM J. CLINTON

# # #

APPENDIX D-3: NEW PROCUREMENT

ROUTINE

UNCLASSIFIED

Joint Staff
Communications Center

PAGE 01 OF 02
USER:

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RTTUZYUW RUMIAAA8189 3120117-UUUU--RUEKAMH.
ZNR UUUUU
R 071330Z NOV 98
FM USCINCSO MIAMI FL
TO RUEKJCS/SECDEF WASHINGTON DC//USDP:DSCA//
RUEKJCS/JOINT STAFF WASHINGTON DC//J3/J4/J5//
INFO RHCUAAA/USCINCTRANS SCOTT AFB IL
RUCBACM/USCINCACOM NORFOLK VA
RUEHC/SECSTATE WASHINGTON DC//PM-RSAT/ARA//
RUEADWD/DEPT OF THE ARMY WASHINGTON DC
RUENAAA/DEPT OF THE NAVY WASHINGTON DC
RUEAHQA/DEPT OF THE AF WASHINGTON DC
RUEADLA/HQS DLA FT BELVIOR
RUMIAAA/USCINCSO MIAMI FL//SCJ3/SCJ4/SCJ5/SCJ8//
RUEHMU/AMEMBASSY MANAGUA NU
RUEHSN/AMEMBASSY SAN SALVADOR ES
RUEHTG/AMEMBASSY TEGUCIGALPA HO
RUEHGT/AMEMBASSY GUATEMALA CITY GT
RUKLDAR/CDRUSASAC ALEXANDRIA VA//AMSAC-MA-LA//
RUVAFMC/AFSAC WRIGHT PATTERSON AFB OH//IP/CMP//
RULSSAK/NAVY IPO WASHINGTON DC//280//
RUEHSN/COMUSMILGP SAN SALVADOR ES
RUEHTG/COMUSMILGP TEGUCIGALPA HO
RUEHGT/COMUSMILGP GUATEMALA CITY GT
RUEHMU/USDAO MANAGUA NU
BT
UNCLAS
SUBJ:DISASTER RELIEF OPERATIONS UNDER SEC 506(A) AUTHORITY
MSGID/GENADMIN//
REF/MSG/SECDEF/070043Z NOV 98/SUBJ: FY99 506(A) DRAWDOWN TO SUPPORT EMERGENCY DISASTER RELIEF OPERATIONS IN AFTERMATH OF HURRICANE MITCH IN HONDURAS, NICARAGUA, EL SALVADOR AND GUATEMALA//
1. SUBJ MSG ADVISES THAT ALL GOODS OR SERVICE PROVIDED UNDER 506 (A) AUTHORITY MUST BE FROM EXITING STOCKS OR RESOURCES. FURTHER, NO NEW PROCUREMENT IS AUTHORIZED.
2. USSOUTHCOM UNDERSTANDS THE 506 (A) LIMITATIONS, HOWEVER RELIEF EFFORTS CANNOT BE EXECUTED UNDER THESE CONDITIONS. DEPLOYED UNITS DO NOT HAVE THE BOM OR EQUIPMENT REQUIRED TO REPAIR BRIDGES, PORT FACILITIES, SANITATION SYSTEMS, ETC. THESE MATERIALS ARE ESSENTIAL TO ACCOMPLISHING THEIR ASSIGNED MISSIONS IN THE DISASTER AREAS. FURTHER, IT WOULD BE IMPRACTICAL TO DEPLOY, AND IMPOSSIBLE TO PREPLAN, THE VARIETY AND QUANTITY OF SUPPLIES AND EQUIPMENT REQUIRED (E.G., POL, CEMENT, GRAVEL, SAND, BLOCKS, LUMBER, ETC.) TO SUPPORT THE ENGINEERING, REPAIR AND RECOVERY EFFORTS.
3. ACCORDINGLY, IF NEW PROCUREMENT CANNOT BE AUTHORIZED IN THE DRAWDOWN AUTHORITY, REQUEST IMMEDIATE ACTION BE INITIATED TO IDENTIFY DOD FUNDING AND PROVIDE A FUND CITATION TO ALLOW DEPLOYED UNITS TO LOCAL PURCHASE OPERATING STOCKS, SERVICES, AND EQUIPMENT. INITIAL AMOUNT REQUESTED IS $5M.
4. WE ARE PARTNERING WITH OFDA TO PROVIDE IMMEDIATE DISASTER RELIEF AND INITIAL RECOVERY ASSISTANCE. OFDA IS FUNDING, AND WILL CONTINUE

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ROUTINE **UNCLASSIFIED**

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PAGE 02 OF 02
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TO FUND, THE SUPPORT/SERVICES THEY REQUEST FROM DOD.  THE FLEXIBILITY
OF THEIR FUNDING HAS ALLOWED DOD AND THE USG TO MAKE A SIGNIFICANT
CONTRIBUTION TO THE RELIEF EFFORTS. LIKEWISE, OUR FORCES REQUIRE  THE
SAME FLEXIBLE FUNDING AUTHORITY TO PROCURE OPERATING SUPPLIES, BOM,
EQUIPMENT, AND CONTRACTUAL SERVICES TO SATISFY DOD REQUIREMENTS.
BT

JOINT STAFF V1                                                          4
ACTION J3(1)                                        (U,6,7,8,F)
INFO   NMCC:CWO(*) CMAS(*) J4(1) J5(1) JSAMS(1)
       CHAIRS-SPECIAL(*) COMDIR(*) C3IA(*)
      +CJCS NMCC SITE R FT RITCHIE MD
      +USCINCSO MIAMI FL
      +SVD-1A

SECDEF V2                                                               0
ACTION                                                 (U,7)
INFO   CHAIRS(*) SECDEF-C(*) USDAT:ICP(*)
       ASD:PA(*) DASDIS(*)
      +USDP:ESC
                                          TOTAL COPIES REQUIRED         4

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APPENDIX D-4: WITHDRAWAL OF OHDACA FUNDS

IMMEDIATE **UNCLASSIFIED**

Joint Staff
Communications Center

PAGE 01 OF 02
USER: TOR: 190051Z NOV 98

OTTUZYUW RUEKJCS2460 3222350-UUUU--RUEKAMH.
ZNR UUUUU
O P 181344Z NOV 98
FM SECDEF WASHINGTON DC//USDP:DSCA//
TO RUFGNOA/USCINCEUR VAIHINGEN GE//ECCC//
RUCJACC/USCINCCENT MACDILL AFB FL//CCCC//
RUCBACM/USCINCACOM NORFOLK VA//CC//
RUMIAAA/USCINCSO MIAMI FL//SCCC//
RHHMUNA/USCINCPAC HONOLULU HI//CC//
RUEADLA/DLA FT BELVOIR VA
RUCJAAA/USCINCSOC MACDILL AFB FL//CC//
INFO RUEKJCS/JOINT STAFF WASHDC//J3/J4/J5/J8/DJS//
RUEKJCS/SECDEF WASHINGTON DC//CHAIRS//
RUVAFMC/DISAM WRIGHT PATTERSON AFB OH//CC//
RUEHC/SECSTATE WASHINGTON DC//PM/ISP//
BT
UNCLAS
FROM: DSCA-COMPT-RESOURCE MANAGEMENT
SUBJECT: WITHDRAWAL OF OHDACA FUNDS TO SUPPORT HURRICANE MITCH
1. THE DEVASTATION CREATED BY HURRICANE MITCH IN CENTRAL AMERICA IS OF ENORMOUS PROPORTIONS. THE SECDEF HAS DETERMINED THAT RESPONSE TO THIS HUMAN TRAGEDY IS A MAJOR DOD PRIORITY. DSCA HAS BEEN TASKED BY THE SECDEF TO PROVIDE MAXIMUM FUNDING FROM THE FY 1998/1999 AND FY 1999/2000 OHDACA HUMANITARIAN ASSISTANCE AND DEMINING ACCOUNTS.
2. AS OF 30 SEP 98, THE FY 1998/1999 OHDACA PROGRAM WAS ONLY 62 PERCENT OBLIGATED. EACH COMMAND/ACTIVITY WILL CEASE ALL FURTHER OBLIGATIONS OF OHDACA FUNDS IMMEDIATELY AND IDENTIFY TO THIS HEADQUARTERS NLT 192400ZNOV 98, ALL FY 1998/1999 AND FY 1999/2000 OHDACA FUNDS THAT REMAIN UNOBLIGATED. SENIOR DOD LEADERSHIP UNDERSTANDS THAT THIS WILL ADVERSELY EFFECT ALL CINC HUMANITARIAN ASSISTANCE AND DEMINING PROGRAMS WORLDWIDE.
3. EACH COMMAND/ACTIVITY WILL ALSO IDENTIFY ANY "MUST PAY" BILLS, I.E., CONTRACTS THAT KEEP THE DOORS OPEN AND ALLOW US TO MAINTAIN A "WARM" CINC PROGRAM THAT WILL BE ABLE TO RESUME OPERATIONS AT A LATER DATE SHOULD FUNDING BECOME AVAILABLE.
4. DSCA HAS BEEN ADVISED THAT DOD WILL PREPARE JUSTIFICATION TO CONGRESS FOR EITHER A REPROGRAMMING OR SUPPLEMENTAL APPROPRIATION T0 REPLENISH THE OHDACA APPROPRIATION ASAP. PLEASE PROVIDE THE FUNDING REQUIRED TO EXECUTE YOUR 3RD AND 4TH QUARTER FY99 PROJECTS, WITH BACKUP NARRATIVE TO SUPPORT THE REPROGRAMMING, NLT 1 DECEMBER 1998.
BT

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APPENDIX D-5: CONTINGENCY OPERATION DESIGNATION

THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301

JCS

MAR 2 1999

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
COMMANDER IN CHIEF, U.S. SPECIAL OPERATIONS COMMAND
COMMANDER IN CHIEF, U.S. SOUTHERN COMMAND
COMMANDER IN CHIEF, U.S. TRANSPORTATION COMMAND
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Designation of Operation Strong Support/Fuerte Apoyo (Hurricane Mitch Disaster Relief) as a Section 127a Contingency Operation

Section 127a of Title 10 United States Code provides special funding mechanisms for certain operations for which funds are not provided in advance and also requires that these operations be designated as "contingency operations." In accordance with this statute, I have designated Operation Strong Support (the provision of DoD disaster relief in response to Hurricane Mitch) as such an operation.

As a result of this designation, units participating in Operation Strong Support may not be required, under certain conditions, to reimburse (provide funded customer orders) Defense Working Capital Fund (DWCF) activities for goods and services ordered. Since the Department is not relieved of the legal restrictions of the Anti-Deficiency Act and since DWCF cash must remain positive under these legal restrictions, certain conditions will be met and specific procedures shall be followed by units submitting unfunded orders to a DWCF activity:

Conditions for Waiving Reimbursement to DWCF Activities:

- Orders must be placed by the unit actually participating in the covered operation.
- Requirements must be directly attributable to the covered operation.
- Orders must not have been financed previously through an appropriation, supplemental funding, reprogramming, or a reallocation of existing appropriations.

Procedures for Waiving Reimbursement to DWCF Activities:

- The unit requesting goods or services will submit an unfunded order to the DWCF activity. Each unfunded order must be accompanied by a written statement that notifies the

performing DWCF activity that the order, or specified portions thereof, is in support of Operation Strong Support; and therefore, a funded order is not required.

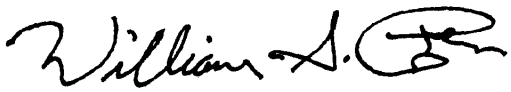
- Prior to accepting an unfunded customer order, the Commander of the DWCF activity will submit a report to their Component's Comptroller certifying that the unfunded order can be filled without resulting in an Anti-Deficiency Act violation.
- In order to ensure that any DWCF cash reserves are used for the highest priority requirements, the Component's Comptroller will notify the Principal Deputy Under Secretary of Defense (Comptroller), in writing, and wait 5 workdays before filling the unfunded customer order.

If the provision of the requested goods or services without a funded order would result in a violation of the Anti-Deficiency Act, the DWCF activity must notify the requesting Component to either provide a funded order or arrange for the transfer of sufficient DWCF cash to the supporting DWCF activity to allow the service or supplies to be provided.

The DWCF activity filling the unfunded customer order shall separately account for all such unfunded customer orders filled and separately report these costs, on a monthly basis, to the Component Comptroller of the requesting activity. The Components' Comptrollers shall separately report the cumulative costs of these unfunded customer orders to the Defense Finance and Accounting Service - Denver in accordance with existing monthly contingency reporting procedures. However, in accordance with section 127a, such amounts will be accounted for separately and will be used to determine the amounts required to be transferred to the DWCF activities in order to restore balances to previous levels.

This direction is to be provided to your subordinate organizations immediately. You are required to establish procedures and controls to ensure the above guidelines are met.

The USD(Comptroller) will provide, as warranted, additional guidance on reporting your use of this authority for Operation Strong Support.



APPENDIX D-6: EXECUTIVE ORDER 12966, FOREIGN DISASTER ASSISTANCE

EXECUTIVE ORDER NO. 12966. FOREIGN DISASTER ASSISTANCE

Ex. Ord. No. 12966, July 14, 1995, 60 F.R. 36949, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Defense Authorization Act for Fiscal Year 1995, Public Law 103-337 (the ''Act'') (see Tables for classification) and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. This order governs the implementation of section 404 of title 10, United States Code, as added by amendment set forth in section 1412(a) of the Act. Pursuant to 10 U.S.C. 404(a), the Secretary of Defense is hereby directed to provide disaster assistance outside the United States to respond to manmade or natural disasters when the Secretary of Defense determines that such assistance is necessary to prevent loss of lives. The Secretary of Defense shall exercise the notification functions required of the President by 10 U.S.C. 404(c).

Sec. 2. The Secretary of Defense shall provide disaster assistance only:
(a) at the direction of the President; or
(b) with the concurrence of the Secretary of State; or
(c) in emergency situations in order to save human lives, where there is not sufficient time to seek the prior initial 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.

For the purpose of section 2(b) of this order, only the Secretary of State, or the Deputy Secretary of State, or persons acting in those capacities, shall have the authority to withhold concurrence. Concurrence of the Secretary of State is not required for the execution of military operations undertaken pursuant to, and consistent with, assistance provided in accordance with parts (b) and (c) of this section, or with respect to matters relating to the internal financial processes of the Department of Defense.

Sec. 3. In providing assistance covered by this order, the Secretary of Defense shall consult with the Administrator of the Agency for International Development, in the Administrator's capacity as the President's Special Coordinator for International Disaster Assistance.

Sec. 4. This order does not affect any activity or program authorized under any other provision of law, except that referred to in section 1 of this order.

APPENDIX D-7: 10 USC SEC. 127, EMERGENCY AND EXTRAORDINARY EXPENSES

10 USC Sec. 127 01/05/99

TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART I - ORGANIZATION AND GENERAL MILITARY POWERS
CHAPTER 3 - GENERAL POWERS AND FUNCTIONS

Sec. 127. Emergency and extraordinary expenses

(a) Subject to the limitations of subsection (c), and within the limitation of appropriations made for the purpose, the Secretary of Defense, the Inspector General of the Department of Defense, and the Secretary of a military department within his department, may provide for any emergency or extraordinary expense which cannot be anticipated or classified. When it is so provided in such an appropriation, the funds may be spent on approval or authority of the Secretary concerned or the Inspector General for any purpose he determines to be proper, and such a determination is final and conclusive upon the accounting officers of the United States. The Secretary concerned or the Inspector General may certify the amount of any such expenditure authorized by him that he considers advisable not to specify, and his certificate is sufficient voucher for the expenditure of that amount.

(b) The authority conferred by this section may be delegated by the Secretary of Defense to any person in the Department of Defense, by the Inspector General to any person in the Office of the Inspector General, or by the Secretary of a military department to any person within his department, with or without the authority to make successive redelegations.

(c)(1) Funds may not be obligated or expended in an amount in excess of $500,000 under the authority of subsection (a) or (b) until the Secretary of Defense has notified the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives of the intent to obligate or expend the funds, and -

(A) in the case of an obligation or expenditure in excess of $1,000,000, 15 days have elapsed since the date of the notification; or

(B) in the case of an obligation or expenditure in excess of $500,000, but not in excess of $1,000,000, 5 days have elapsed since the date of the notification.

(2) Subparagraph (A) or (B) of paragraph (1) shall not apply to an obligation or expenditure of funds otherwise covered by such subparagraph if the Secretary of Defense determines that the national security objectives of the United States will be compromised by the application of the subparagraph to the obligation or expenditure. If the Secretary makes a determination with respect to an obligation or expenditure under the preceding sentence, the Secretary shall immediately notify the committees referred to in paragraph (1) that such obligation or expenditure is necessary and provide any relevant information (in classified form, if necessary) jointly to the chairman and ranking minority member (or their designees) of such committees.

(3) A notification under paragraph (1) and information referred to in paragraph (2) shall include the amount to be obligated or expended, as the case may be, and the purpose of the obligation or expenditure.

(d) In any case in which funds are expended under the authority of subsections (a) and (b), the Secretary of Defense shall submit a report of such expenditures on a quarterly basis to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.

-SOURCE-
(Added Pub. L. 94-106, title VIII, Sec. 804(a), Oct. 7, 1975, 89 Stat. 538, Sec. 140; amended Pub. L. 98-94, title XII, Sec. 1268(2), Sept. 24, 1983, 97 Stat. 705; renumbered Sec. 127 and amended Pub. L. 99-433, title I, Sec. 101(a)(3), 110(d)(4), Oct. 1, 1986, 100 Stat. 994, 1002; Pub. L. 103-160, div. A, title III, Sec. 361, Nov. 30, 1993, 107 Stat. 1627; Pub. L. 103-337, div. A, title III, Sec. 378, Oct. 5, 1994, 108 Stat. 2737; Pub. L. 104-106,
div. A, title IX, Sec. 915, title XV, Sec. 1502(a)(5), Feb. 10, 1996, 110 Stat. 413, 502.)

-MISC1-
AMENDMENTS
1996 - Subsec. (c). Pub. L. 104-106, Sec. 915(2), added subsec. (c). Former subsec. (c) redesignated (d). Pub. L. 104-106, Sec. 1502(a)(5), substituted ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on
Appropriations of'' for ''Committees on Armed Services and Appropriations of the Senate and''. Subsec. (d). Pub. L. 104-106, Sec. 915(1), redesignated subsec. (c), as amended by Pub. L. 104-106, Sec. 1502(a)(5), 1506, as (d).
1994 - Subsec. (c). Pub. L. 103-337 struck out par. (1) designation before ''In any case'' and struck out par. (2) which read as follows: ''The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed $400,000.''
1993 - Subsec. (a). Pub. L. 103-160, Sec. 361(1), inserted '', the Inspector General of the Department of Defense,'' after ''the

Secretary of Defense'' and ''or the Inspector General'' after ''the Secretary concerned'' and after ''The Secretary concerned''. Subsec. (b). Pub. L. 103-160, Sec. 361(2), inserted '', by the Inspector General to any person in the Office of the Inspector
General,'' after ''the Department of Defense''. Subsec. (c). Pub. L. 103-160, Sec. 361(3), designated existing provisions as par. (1) and added par. (2).
1986 - Pub. L. 99-433 renumbered section 140 of this title as this section and substituted ''Emergency'' for ''Emergencies'' in section catchline.
1983 - Subsec. (a). Pub. L. 98-94 struck out ''of this section'' after ''subsection (c)''. Subsec. (c). Pub. L. 98-94 struck out ''of this section'' after
''subsections (a) and (b)''.

-CHANGE-
CHANGE OF NAME
Committee on National Security of House of Representatives changed to Committee on Armed Services of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

-MISC4-
CONSTRUCTION AUTHORITY OF SECRETARY OF DEFENSE UNDER DECLARATION OF WAR OR NATIONAL EMERGENCY
Pub. L. 97-99, title IX, Sec. 903, Dec. 23, 1981, 95 Stat. 1382, which authorized the Secretary of Defense, in the event of a declaration of war or the declaration of a national emergency by the President, to undertake military construction without regard to any other provisions of law, was repealed and restated as section 2808 of this title by Pub. L. 97-214, Sec. 2(a), 7(18), July 12, 1982, 96 Stat. 157, 174, effective Oct. 1, 1982.

APPENDIX D-8: 10 USC SEC. 166A, COMBATANT COMMANDS: FUNDING THROUGH THE CHAIRMAN OF JOINT CHIEFS OF STAFF

10 USC Sec. 166a 01/05/99

TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART I - ORGANIZATION AND GENERAL MILITARY POWERS
CHAPTER 6 - COMBATANT COMMANDS

Sec. 166a. Combatant commands: funding through the Chairman of Joint Chiefs of Staff

(a) CINC Initiative Fund. - From funds made available in any fiscal year for the budget account in the Department of Defense known as the ''CINC Initiative Fund'', the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose. The Chairman may provide such funds for any of the activities named in subsection (b).

(b) Authorized Activities. - Activities for which funds may be provided under subsection (a) are the following:

(1) Force training.

(2) Contingencies.

(3) Selected operations.

(4) Command and control.

(5) Joint exercises (including activities of participating foreign countries).

(6) Humanitarian and civil assistance.

(7) Military education and training to military and related civilian personnel of foreign countries (including transportation, translation, and administrative expenses).

(8) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

(9) Force protection.

(c) Priority. - The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to -

(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States.

(d) Relationship to Other Funding. - Any amount provided by the Chairman of the Joint Chiefs of Staff during any fiscal year out of the CINC Initiative Fund for an activity referred to in subsection (b)shall be in addition to amounts otherwise available for that activity for that fiscal year.

(e) Limitations. - (1) Of funds made available under this section for any fiscal year -
(A) not more than $7,000,000 may be used to purchase items with a unit cost in excess of $15,000;
(B) not more than $1,000,000 may be used to pay for any expenses of foreign countries participating in joint exercises as authorized by subsection (b)(5); and
(C) not more than $2,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).

(2) Funds may not be provided under this section for any activity that has been denied authorization by Congress.

(f) Inclusion of NORAD. - For purposes of this section, the Commander, United States Element, North American Aerospace Defense Command shall be considered to be a commander of a combatant command.

-SOURCE-
(Added Pub. L. 102-190, div. A, title IX, Sec. 902(a), Dec. 5, 1991, 105 Stat. 1450; amended Pub. L. 102-396, title IX, Sec. 9128, Oct. 6, 1992, 106 Stat. 1935; Pub. L. 102-484, div. A, title IX, Sec. 934, Oct. 23, 1992, 106 Stat. 2477; Pub. L. 103-35, title II, Sec. 201(a), May 31, 1993, 107 Stat. 97; Pub. L. 105-85, div. A, title IX, Sec. 902, Nov. 18, 1997, 111 Stat. 1854.)

-MISC1-
AMENDMENTS
1997 - Subsec. (b)(9). Pub. L. 105-85 added par. (9).

1993 - Subsec. (a). Pub. L. 103-35, Sec. 201(a)(1), substituted ''the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose'' for ''the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or to the Director of the Joint Staff with respect to an area or areas not within the area of responsibility of a commander of a combatant command.'' Subsec. (b)(7). Pub. L. 103-35, Sec. 201(a)(2), struck out second of two identical parenthetical phrases at end of par. (7) which read as follows: ''(including transportation, translation, and administrative expenses)''.
1992 - Subsec. (a). Pub. L. 102-484, Sec. 934(a), which directed substitution of ''funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose.'' for ''funds, upon request,'' and all that follows through the period, could not be executed because the words did not appear subsequent to the
amendment by Pub. L. 102-396, Sec. 9128(a). See below. Pub. L. 102-396, Sec. 9128(a), substituted ''funds to the commander of a combatant command, upon the request of the commander, or to the Director of the Joint Staff with respect to an area or areas not within the area of responsibility of a commander of a combatant command.'' for ''funds, upon request, to the
commanders of the combatant commands.''
Subsec. (b)(7). Pub. L. 102-396, Sec. 9128(b), and Pub. L. 102-484, Sec. 934(b), both inserted before period at end ''(including transportation, translation, and administrative expenses)''.
Subsec. (c). Pub. L. 102-484, Sec. 934(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds (c) Priority. - The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund or the provision of funds to the Director of the Joint Staff under subsection (a), should give priority consideration to -
''(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and
''(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States..(sic)''
Pub. L. 102-396, Sec. 9128(c), inserted before period at end

''(c) Priority. - The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund or the provision of funds to the Director of the Joint Staff under subsection (a), should give priority consideration to -

''(1) requests for funds to be used for activities that wouldenhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

''(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States.''

Subsec. (e)(1)(C). Pub. L. 102-484, Sec. 934(d), amended subpar. (C) generally. Prior to amendment, subsec. (C) read as follows: ''not more than $5,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).''

Pub. L. 102-396, Sec. 9128(d), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''not more than $500,000 may be used to provide military education and training to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).''

APPENDIX D-9: 10 USC SEC. 401, HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED IN CONJUNCTION WITH MILITARY OPERATIONS

10 USC Sec. 401 01/05/99

TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART I - ORGANIZATION AND GENERAL MILITARY POWERS
CHAPTER 20 - HUMANITARIAN AND OTHER ASSISTANCE

Sec. 401. Humanitarian and civic assistance provided in conjunction with military operations

(a)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian and civic assistance activities in conjunction with authorized military operations of the armed forces in a country if the Secretary concerned determines that the activities will promote –
(A) the security interests of both the United States and the country in which the activities are to be carried out; and
(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(2) Humanitarian and civic assistance activities carried out under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States. Such activities shall serve the basic economic and social needs of the people of the country concerned.

(3) Humanitarian and civic assistance may not be provided under this section (directly or indirectly) to any individual, group, or organization engaged in military or paramilitary activity.

(4) The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section that is described in subsection (e)(5) -
(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or
(B) provides such assistance as part of a military operation that does not involve the armed forces.

(b)(1) Humanitarian and civic assistance may not be provided under this section to any foreign country unless the Secretary of State specifically approves the provision of such assistance.

(2) Any authority provided under any other provision of law to provide assistance that is described in subsection (e)(5) to a foreign country shall be carried out in accordance with, and subject to, the limitations prescribed in this section. Any such provision may be construed as superseding a provision of this section only if, and to the extent that, such provision

specifically refers to this section and specifically identifies the provision of this section that is to be considered superseded or otherwise inapplicable under such provision.

(c)(1) Expenses incurred as a direct result of providing humanitarian and civic assistance under this section to a foreign country shall be paid for out of funds specifically appropriated for such purpose.

(2) Expenses covered by paragraph (1) include the following expenses incurred in providing assistance described in subsection (e)(5):
(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing such assistance.
(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting the activities described in subsection (e)(5), including any nonlethal, individual, or small-team landmine clearing equipment or supplies that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

(3) The cost of equipment, services, and supplies provided in any fiscal year under paragraph (2)(B) may not exceed $5,000,000.

(4) Nothing in this section may be interpreted to preclude the incurring of minimal expenditures by the Department of Defense for purposes of humanitarian and civic assistance out of funds other than funds appropriated pursuant to paragraph (1), except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such
assistance.

(d) The Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives a report, not later than March 1 of each year, on activities carried out under this section during the preceding fiscal year. The Secretary shall include in each such report -

(1) a list of the countries in which humanitarian and civic assistance activities were carried out during the preceding fiscal year;

(2) the type and description of such activities carried out in each country during the preceding fiscal year; and

(3) the amount expended in carrying out each such activity in each such country during the preceding fiscal year.

(e) In this section, the term ''humanitarian and civic assistance'' means any of the following:

(1) Medical, dental, and veterinary care provided in rural areas of a country.

(2) Construction of rudimentary surface transportation systems.

(3) Well drilling and construction of basic sanitation facilities.

(4) Rudimentary construction and repair of public facilities.

(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.

-SOURCE-
(Added Pub. L. 99-661, div. A, title III, Sec. 333(a)(1), Nov. 14, 1986, 100 Stat. 3857; amended Pub. L. 100-180, div. A, title III, Sec. 332(b)(1)-(5), Dec. 4, 1987, 101 Stat. 1080; Pub. L. 100-456, div. A, title XII, Sec. 1233(g)(1), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 103-160, div. A, title XI, Sec. 1182(a)(1), title XV, Sec. 1504(b), Nov. 30, 1993, 107 Stat. 1771, 1839; Pub. L. 104-106, div. A, title XIII, Sec. 1313(a), (b), title XV, Sec. 1502(a)(8), Feb. 10, 1996, 110 Stat. 474, 475, 503; Pub. L. 104-201, div. A, title X, Sec. 1074(a)(2), title XIII, Sec. 1304, Sept. 23, 1996, 110 Stat. 2658, 2704.)

-MISC1-
AMENDMENTS
1996 - Subsec. (a)(4). Pub. L. 104-201, Sec. 1074(a)(2)(A), substituted ''armed forces'' for ''Armed Forces'' in two places.
Pub. L. 104-106, Sec. 1313(b), added par. (4). Subsec. (b). Pub. L. 104-201, Sec. 1304(b), designated existing provisions as par. (1) and added par. (2).
Subsec. (c)(2) to (4). Pub. L. 104-201, Sec. 1304(a), added pars. (2) and (3) and redesignated former par. (2) as (4).
Subsec. (d). Pub. L. 104-106, Sec. 1502(a)(8), substituted ''Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations'' for ''Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs''.
Subsec. (e). Pub. L. 104-201, Sec. 1074(a)(2)(B), inserted ''any of the following'' after ''means'' in introductory provisions.
Pub. L. 104-106, Sec. 1313(a)(1), substituted ''means:'' for ''means - '' in introductory provisions.
Subsec. (e)(1). Pub. L. 104-106, Sec. 1313(a)(2), (3), substituted ''Medical'' for ''medical'' and ''country.'' for ''country;''.
Subsec. (e)(2). Pub. L. 104-106, Sec. 1313(a)(2), (3), substituted ''Construction'' for ''construction'' and ''systems.'' for ''systems;''.

Subsec. (e)(3). Pub. L. 104-106, Sec. 1313(a)(2), (4), substituted ''Well'' for ''well'' and ''facilities.'' for ''facilities; and''.
Subsec. (e)(4). Pub. L. 104-106, Sec. 1313(a)(2), substituted ''Rudimentary'' for ''rudimentary''.
Subsec. (e)(5). Pub. L. 104-106, Sec. 1313(a)(5), added par. (5).
1993 - Subsec. (c)(2). Pub. L. 103-160, Sec. 1504(b), inserted before period '', except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance''.
Subsec. (f). Pub. L. 103-160, Sec. 1182(a)(1), struck out subsec. (f) which read as follows: ''Not more than $16,400,000 may be obligated or expended for the purposes of this section during fiscal years 1987 through 1991.''
1988 - Subsec. (c)(2). Pub. L. 100-456 substituted ''paragraph (1)'' for ''subsection (a)''.
1987 - Pub. L. 100-180, Sec. 332(b)(1)(A), substituted ''Humanitarian and civic assistance provided in conjunction with military operations'' for ''Armed forces participation in humanitarian and civic assistance activities'' in section catchline.
Subsec. (a). Pub. L. 100-180, Sec. 332(b)(1)(B), (C), (5), redesignated former subsec. (a) as par. (1) and former cls. (1) and (2) as cls. (A) and (B), respectively, redesignated former subsecs. (b) and (c) as pars. (2) and (3), respectively, and substituted ''section'' for ''chapter'' wherever appearing.
Subsec. (b). Pub. L. 100-180, Sec. 332(b)(2), (5), struck out section catchline of former section 402 ''Approval of Secretary of State'', designated text of former section 402 as subsec. (b) of this section, and substituted ''section'' for ''chapter''.
Subsec. (c). Pub. L. 100-180, Sec. 332(b)(3), (5), struck out section catchline of former section 403 ''Payment of expenses'', redesignated former section 403(a) and (b) as subsec. (c)(1) and (2), respectively, of this section, and substituted ''section'' for ''chapter'' wherever appearing.
Subsec. (d). Pub. L. 100-180, Sec. 332(b)(4), (5), struck out section catchline of former section 404 ''Annual report to Congress'', designated text of former section 404 as subsec. (d) of this section, and substituted ''section'' for ''chapter''.
Subsec. (e). Pub. L. 100-180, Sec. 332(b)(4), (5), struck out section catchline of former section 405 ''Definition of humanitarian and civic assistance'', designated text of former section 405 as subsec. (e) of this section, and substituted ''section'' for ''chapter''.
Subsec. (f). Pub. L. 100-180, Sec. 332(b)(4), (5), struck out section catchline of former section 406 ''Expenditure limitation'', designated text of former section 406 as subsec. (f) of this section, and substituted ''section'' for ''chapter''.

-CHANGE-
CHANGE OF NAME
Committee on National Security of House of Representatives changed to Committee on Armed Services of House of

Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

-MISC4-
HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES
Pub. L. 103-337, div. A, title XIV, Sec. 1413, Oct. 5, 1994, 108 Stat. 2913, required Secretary of Defense to carry out program for humanitarian purposes to provide assistance to other nations in detection and clearance of landmines, specified that such assistance was to be provided through instruction, education, training, and advising of personnel of those nations in procedures determined effective for detecting and clearing landmines, specified forms of assistance, required Secretary to ensure that no member of Armed Forces engaged in physical detection, lifting, or destroying of landmines (unless done for concurrent purpose of supporting United States military operations) or gave such assistance as part of military operation not involving Armed Forces, made funds available, specified uses of funds, and required Secretary to provide notice to Congress of activities carried out
under the program, prior to repeal by Pub. L. 104-106, div. A, title XIII, Sec. 1313(c), Feb. 10, 1996, 110 Stat. 475.

HUMANITARIAN AND CIVIC ASSISTANCE
Section 1504 of Pub. L. 103-160 provided that:
''(a) Regulations. - The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.
''(b) Limitation on Use of Funds. - (Amended section 401(c)(2) of this title.)
''(c) Notifications Regarding Humanitarian Relief. – Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation of such items.
''(d) Report on Humanitarian Assistance Activities. - (1) The Secretary of Defense shall submit to the appropriate congressional committees a report on the activities planned to be carried out by the Department of Defense during fiscal year 1995 under sections 401, 402, 2547, and 2551 of title 10, United States Code. The report shall include information, developed after consultation with the Secretary of State, on the distribution of excess nonlethal supplies transferred to the Secretary of State during fiscal year
1993 pursuant to section 2547 of that title.
''(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1995 to Congress pursuant to section 1105 of title 31, United States Code.
''(e) Authorization of Appropriations. - The funds authorized to be appropriated by section 301(18) (107 Stat. 1616) shall be

available to carry out humanitarian and civic assistance activities under sections 401, 402, and 2551 of title 10, United States Code.
''(f) Appropriate Congressional Committees. - In this section, the term 'appropriate congressional committees' means -
''(1) the Committee on Appropriations, the Committee on Armed Services (now Committee on National Security), and the Committee on Foreign Affairs (now Committee on International Relations) of the House of Representatives; and
''(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.''

HUMANITARIAN ASSISTANCE; EMERGENCY TRANSPORTATION OF INDIVIDUALS
Pub. L. 102-396, title II, Oct. 6, 1992, 106 Stat. 1884, provided: ''That where required and notwithstanding any other provision of law, funds made available under this heading (Humanitarian Assistance) for fiscal year 1993 or thereafter, shall be available for emergency transportation of United States or foreign nationals or the emergency transportation of humanitarian
relief personnel in conjunction with humanitarian relief operations.''

APPROPRIATION OF FUNDS FOR HUMANITARIAN AND CIVIC ASSISTANCE; ANNUAL REPORT TO CONGRESS ON OBLIGATIONS; USE OF CIVIC ACTION TEAMS IN TRUST TERRITORIES OF PACIFIC ISLANDS AND FREELY ASSOCIATED
STATES OF MICRONESIA
Pub. L. 105-262, title VIII, Sec. 8009, Oct. 17, 1998, 112 Stat. 2298, provided that: ''Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239 (48 U.S.C. 1901 note): Provided further, That upon a
determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.''
(For termination of Trust Territory of the Pacific Islands, see

note set out preceding section 1681 of Title 48, Territories and Insular Possessions.)
Similar provisions were contained in the following prior appropriation acts:
Pub. L. 105-56, title VIII, Sec. 8009, Oct. 8, 1997, 111 Stat. 1222.
Pub. L. 104-208, div. A, title I, Sec. 101(b) (title VIII, Sec. 8010), Sept. 30, 1996, 110 Stat. 3009-71, 3009-90.
Pub. L. 104-61, title VIII, Sec. 8011, Dec. 1, 1995, 109 Stat. 653.
Pub. L. 103-335, title VIII, Sec. 8011, Sept. 30, 1994, 108 Stat. 2619.
Pub. L. 103-139, title VIII, Sec. 8012, Nov. 11, 1993, 107 Stat. 1439.
Pub. L. 102-396, title IX, Sec. 9021, Oct. 6, 1992, 106 Stat. 1904.
Pub. L. 102-172, title VIII, Sec. 8021, Nov. 26, 1991, 105 Stat. 1175.
Pub. L. 101-511, title VIII, Sec. 8021, Nov. 5, 1990, 104 Stat. 1879.
Pub. L. 101-165, title IX, Sec. 9031, Nov. 21, 1989, 103 Stat. 1135.
Pub. L. 100-463, title VIII, Sec. 8051, Oct. 1, 1988, 102 Stat. 2270-25.
Pub. L. 100-202, Sec. 101(b) (title VIII, Sec. 8063), Dec. 22, 1987, 101 Stat. 1329-43, 1329-73.

APPENDIX D-10: 10 USC SEC. 402, TRANSPORTATION OF HUMANITARIAN RELIEF SUPPLIES TO FOREIGN COUNTRIES

10 USC Sec. 402 01/05/99

TITLE 10 - ARMED FORCES
Subtitle A - General Military Law PART I - ORGANIZATION AND GENERAL MILITARY POWERS
CHAPTER 20 - HUMANITARIAN AND OTHER ASSISTANCE

Sec. 402. Transportation of humanitarian relief supplies to foreign
countries

(a) Notwithstanding any other provision of law, and subject to subsection (b), the Secretary of Defense may transport to any country, without charge, supplies which have been furnished by a nongovernmental source and which are intended for humanitarian assistance. Such supplies may be transported only on a space available basis.

(b)(1) The Secretary may not transport supplies under subsection (a) unless the Secretary determines that -

(A) the transportation of such supplies is consistent with the foreign policy of the United States;

(B) the supplies to be transported are suitable for humanitarian purposes and are in usable condition;

(C) there is a legitimate humanitarian need for such supplies by the people for whom they are intended;

(D) the supplies will in fact be used for humanitarian purposes; and

(E) adequate arrangements have been made for the distribution of such supplies in the destination country.

(2) The President shall establish procedures for making the determinations required under paragraph (1). Such procedures shall include inspection of supplies before acceptance for transport.

(3) It shall be the responsibility of the donor to ensure that supplies to be transported under this section are suitable for transport.

(c)(1) Supplies transported under this section may be distributed by an agency of the United States Government, a foreign government, an international organization, or a private nonprofit relief organization.

(2) Supplies transported under this section may not be distributed, directly or indirectly, to any individual, group, or organization engaged in a military or paramilitary activity.

(d) Not later than July 31 each year, the Secretary of State shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives a report identifying the origin, contents, destination, and disposition of all supplies transported under this section during the 12-month period ending on the preceding June 30.

-SOURCE-
(Added Pub. L. 100-180, div. A, title III, Sec. 332(a), Dec. 4, 1987, 101 Stat. 1079; amended Pub. L. 101-510, div. A, title XIII, Sec. 1311(2), Nov. 5, 1990, 104 Stat. 1669; Pub. L. 104-106, div. A, title XV, Sec. 1502(a)(8), Feb. 10, 1996, 110 Stat. 503.)

-MISC1-
PRIOR PROVISIONS
A prior section 402 was renumbered section 401(b) of this title.
AMENDMENTS
1996 - Subsec. (d). Pub. L. 104-106 substituted ''Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations'' for ''Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs''.
1990 - Subsec. (d). Pub. L. 101-510 substituted ''Not later than July 31 each year'' for ''At the end of each six-month period'' and ''the 12-month period ending on the preceding June 30'' for ''such six-month period''.

-CHANGE-
CHANGE OF NAME
Committee on National Security of House of Representatives changed to Committee on Armed Services of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

-TRANS-
DELEGATION OF FUNCTIONS
Functions of President under subsec. (b)(2) delegated to Secretary of State by section 1-201(a)(24) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of Title 22, Foreign Relations and Intercourse.

-MISC5-
FIRST REPORT DEADLINE
Section 332(d) of Pub. L. 100-180 directed that first report under section 402(d) of this title be submitted not more than six months after the date on which the most recent report was submitted under section 1540(e) of the Department of Defense Authorization Act, 1985 (Pub. L. 98-525; 98 Stat. 2638).

-SECREF-

APPENDIX D-11: 10 USC SEC. 404, FOREIGN DISASTER ASSISTANCE

10 USC Sec. 404 01/05/99

TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART I - ORGANIZATION AND GENERAL MILITARY POWERS
CHAPTER 20 - HUMANITARIAN AND OTHER ASSISTANCE

Sec. 404. Foreign disaster assistance
-STATUTE-

(a) In General. - The President may direct the Secretary of Defense to provide disaster assistance outside the United States to
respond to manmade or natural disasters when necessary to prevent loss of lives.

(b) Forms of Assistance. - Assistance provided under this section may include transportation, supplies, services, and equipment.

(c) Notification Required. - Not later than 48 hours after the commencement of disaster assistance activities to provide assistance under this section, the President shall transmit to Congress a report containing notification of the assistance provided, and proposed to be provided, under this section and a description of so much of the following as is then available:

(1) The manmade or natural disaster for which disaster assistance is necessary.
(2) The threat to human lives presented by the disaster.
(3) The United States military personnel and material resources
that are involved or expected to be involved.
(4) The disaster assistance that is being provided or is expected to be provided by other nations or public or private relief organizations.
(5) The anticipated duration of the disaster assistance activities.

(d) Organizing Policies and Programs. - Amounts appropriated to the Department of Defense for any fiscal year for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States.

-SOURCE-
(Added Pub. L. 103-337, div. A, title XIV, Sec. 1412(a), Oct. 5, 1994, 108 Stat. 2912.)

-MISC1-

APPENDIX D-12: 10 USC SEC. 2547, EXCESS NONLETHAL SUPPLIES: HUMANITARIAN RELIEF

10 USC Sec. 2547 01/05/99

TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART IV - SERVICE, SUPPLY, AND PROCUREMENT
CHAPTER 152 - ISSUE OF SUPPLIES, SERVICES, AND FACILITIES

Sec. 2547. Excess nonlethal supplies: humanitarian relief

(a) The Secretary of Defense may make available for humanitarian relief purposes any nonlethal excess supplies of the Department of Defense.

(b) Excess supplies made available for humanitarian relief purposes under this section shall be transferred to the Secretary of State, who shall be responsible for the distribution of such supplies.

(c) This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the intelligence committees under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(d) In this section:

(1) The term ''nonlethal excess supplies'' means property, other than real property, of the Department of Defense -
(A) that is excess property, as defined in regulations of the Department of Defense; and
(B) that is not a weapon, ammunition, or other equipment or material that is designed to inflict serious bodily harm or death.

(2) The term ''intelligence committees'' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

-SOURCE-
(Added Pub. L. 99-145, title XIV, Sec. 1454(a), Nov. 8, 1985, 99 Stat. 761; amended Pub. L. 100-26, Sec. 7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 101-510, div. A, title XIII, Sec. 1322(a)(10), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 102-88, title VI, Sec. 602(c)(3), Aug. 14, 1991, 105 Stat. 444.)

-REFTEXT-
REFERENCES IN TEXT
The National Security Act of 1947, referred to in subsec. (c), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. Title V of the Act is classified generally to subchapter III (Sec. 413 et seq.) of chapter 15 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50 and Tables.

-MISC2-
AMENDMENTS
1991 - Subsec. (c). Pub. L. 102-88 struck out par. (1) which read as follows: ''a finding under section 662 of the Foreign Assistance
Act of 1961 (22 U.S.C. 2422); or'', struck out par. (2) designation, and substituted ''title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)'' for ''section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413)''.
1990 - Subsecs. (d), (e). Pub. L. 101-510 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows:
''(1) The Secretary of State shall submit an annual report on the disposition of all excess supplies transferred by the Secretary of
Defense to the Secretary of State under this section during the preceding year.
''(2) Such reports shall be submitted to the Committees on Armed Services and on Foreign Relations of the Senate and the Committees
on Armed Services and on Foreign Affairs of the House of Representatives.
''(3) Such reports shall be submitted not later than June 1 of each year.''
1987 - Subsec. (e)(1), (2). Pub. L. 100-26 inserted ''The term'' after each par. designation and struck out uppercase letter of first word after first quotation marks in each par. and substituted
lowercase letter.

-SECREF-
SECTION REFERRED TO IN OTHER SECTIONS
This section is referred to in sections 2551, 2552 of this title.

APPENDIX D-13: 10 USC SEC. 2551, HUMANITARIAN ASSISTANCE

10 USC Sec. 2551 01/05/99

TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART IV - SERVICE, SUPPLY, AND PROCUREMENT
CHAPTER 152 - ISSUE OF SUPPLIES, SERVICES, AND FACILITIES

Sec. 2551. Humanitarian assistance

(a) Authorized Assistance. - To the extent provided in defense authorization Acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide.

(b) Availability of Funds. - To the extent provided in appropriation Acts, funds appropriated for humanitarian assistance for the purposes of this section shall remain available until expended.

(c) Status Reports. - (1) The Secretary of Defense shall submit to the congressional committees specified in subsection (f) an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

(A) The total amount of funds obligated for humanitarian relief under this section.

(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.

(d) Report Regarding Relief for Unauthorized Countries. - In any

case in which the Secretary of Defense provides for the transportation of humanitarian relief to a country to which the transportation of humanitarian relief has not been specifically authorized by law, the Secretary shall notify the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the Secretary's intention to provide such transportation. The notification shall be submitted not less than 15 days before the commencement of such transportation.

(e) Definition. - In this section, the term ''defense authorization Act'' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including authorizations of appropriations for the activities described in paragraph (7) of section 114(a) of this title.

(f) Congressional Committees. - The congressional committees referred to in subsections (c)(1) and (d) are the following:

(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.

-SOURCE-
(Added Pub. L. 102-484, div. A, title III, Sec. 304(c)(1), Oct. 23, 1992, 106 Stat. 2361; amended Pub. L. 104-106, div. A, title XIII, Sec. 1312, Feb. 10, 1996, 110 Stat. 474.)

-MISC1-
AMENDMENTS
1996 - Subsec. (b). Pub. L. 104-106, Sec. 1312(1), (2), redesignated subsec. (d) as (b) and struck out former subsec. (b) which read as follows: ''Authority To Transfer Funds. - To the extent provided in defense authorization Acts for a fiscal year, the Secretary of Defense may transfer to the Secretary of State funds appropriated for the purposes of this section to provide for
- ''(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and
''(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.''
Subsec. (c). Pub. L. 104-106, Sec. 1312(1), (3), added subsec. (c) and struck out former subsec. (c) which read as follows:
''(c) Transportation of Humanitarian Relief. - (1) Transportation of humanitarian relief provided with funds appropriated for the purposes of this section shall be provided under the direction of the Secretary of State.
''(2) Such transportation shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide such transportation other than by

the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces. ''(3) Nothing in this subsection shall be construed as waiving the requirements of section 2631 of this title and sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f).''
Subsec. (d). Pub. L. 104-106, Sec. 1312(4), redesignated subsec. (f) as (d) and substituted ''the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the'' for ''the Committees on Appropriations and on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives of the''. Former subsec. (d) redesignated (b).
Subsec. (e). Pub. L. 104-106, Sec. 1312(3), (5), redesignated subsec. (g) as (e) and struck out former subsec. (e) which required status reports and specified time for submission, coverage, and contents.
Subsec. (f). Pub. L. 104-106, Sec. 1312(6), added subsec. (f). Former subsec. (f) redesignated (d).
Subsec. (g). Pub. L. 104-106, Sec. 1312(5), redesignated subsec. (g) as (e).

-CHANGE-
CHANGE OF NAME
Committee on National Security of House of Representatives changed to Committee on Armed Services of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

-MISC4-
NOTIFICATIONS REGARDING HUMANITARIAN RELIEF
Notification provided to appropriate congressional committees with respect to assistance under this section to include detailed description of items for which transportation is provided that are excess nonlethal supplies of Department of Defense, including quantity, acquisition value, and value at time of transportation of such items, see section 1504(c) of Pub. L. 103-160, set out in a Humanitarian and Civic Assistance note under section 401 of this title.

LAWS COVERED BY INITIAL REPORTS
Section 304(d) of Pub. L. 102-484 provided that: ''For purposes of (former) subsection (e) of section 2551 of title 10, United States Code, as added by subsection (c), section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1333), and the humanitarian relief laws referred to in subsection (f)(4) of section 304 of that Act (as in effect on the day before the date of the enactment of this

APPENDIX D-14: 22 USC SEC. 2318, SPECIAL AUTHORITY

22 U.S.C. Sec. 2318. Special authority

(a) Unforeseen emergency; national interest; determinations and reports to Congress; limitation of defense articles, defense services, and military education and training furnished

(1) If the President determines and reports to the Congress in accordance with section 2411 of this title that -

(A) an unforeseen emergency exists which requires immediate
military assistance to a foreign country or international
organization; and

(B) the emergency requirement cannot be met under the authority of the Arms Export Control Act (22 U.S.C. 2751 et seq.) or any other law except this section; he may direct, for the purposes of subchapter II of this chapter, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $100,000,000 in any fiscal year.

(2)

(A) If the President determines and reports to the Congress in accordance with section 2411 of this title that it is in the national interest of the United States to draw down articles and services from the inventory and resources of any agency of the United States Government and military education and training from the Department of Defense, the President may direct the drawdown of such articles, services, and military education and training -

(i) for the purposes and under the authorities of -

(I) part VIII of subchapter I of this chapter (relating to
international narcotics control assistance);
(II) part IX of subchapter I of this chapter (relating to
international disaster assistance); or

(III) the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.); or

(ii) for the purpose of providing such articles, services, and military education and training to

Vietnam, Cambodia, and Laos as the President determines are necessary -

(I) to support cooperative efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War; and

(II) to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support Department of Defense-sponsored humanitarian projects associated with such efforts.

(B) An aggregate value of not to exceed $150,000,000 in any fiscal year of such articles, services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph -

(i) not more than $75,000,000 of which may be provided from the drawdown from the inventory and resources of the Department of Defense;

(ii) not more than $75,000,000 of which may be provided pursuant to clause (i)(I) of such subparagraph; and

(iii) not more than $15,000,000 of which may be provided to Vietnam, Cambodia, and Laos pursuant to clause (ii) of such subparagraph.

(b) Notification and information to Congress of assistance furnished

(1) The authority contained in this section shall be effective for any such emergency only upon prior notification to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of each House of Congress. In the case of drawdowns authorized by subclauses (I) and (III) of subsection (a)(2)(A)(i) of this section, notifications shall be provided to those committees at least 15 days in advance of the drawdowns in accordance with the procedures applicable to reprogramming notifications under section 2394-1 of this title.

(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training provided under this section, including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient

country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.

(c) Commercial transportation and related services
For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.

(d) Authorization of appropriations for reimbursement of applicable funds There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

APPENDIX D-15: JOINT TRAVEL REGULATION EXTRACT

Joint Travel Regulation

CHAPTER 6 - TRAVEL UNDER SPECIAL CIRCUMSTANCES

PART A: INVITATION TO TRAVEL

(NOTE: See par. C6004 for information concerning travel by contractor and contractor employees.)

C6000 WHEN AND TO WHOM APPLICABLE

"Invitational travel may be authorized by use of an ITO when:

1. it is in the Service's interest to invite a college or university official or a representative of industry to observe the work performed or the operations of an activity;
2. an individual is requested to lecture, instruct, or give a demonstration at an activity in connection with a DoD operation or program;
3. an individual, singly or as part of a group, confers on an official DoD matter with DoD officials and thereby performs a direct service to the DoD, such as providing advice or guidance; (ITOs are not authorized for individuals merely to attend a meeting or conference, even if hosted by a DoD component on a matter related to the component's official business (see 55 Comp. Gen. 750 (1976));
4. an individual's attendance at an incentive award ceremony is related to an award presentation (32 Comp. Gen. 134 (1952)); (Travel and transportation to an award presentation for a dependent or relative of an award recipient is prohibited except as authorized under par. C6002-E.);
5. an individual is an attendant for a handicapped employee or Uniformed Service member who is to be given an OPM award, a major department or agency award, or a non-Federally sponsored honor award and who would be unable to attend the award ceremony unattended (55 Comp. Gen. 800 (1976));
6. an individual's attendance is for the purpose of serving as a sponsor or in a similar official ceremony that is related directly to DoD interests;
7. an individual is authorized pre-employment interview travel under par. C6200;
8. individuals are serving without compensation on Boards of Visitors as provided for in Departmental governing regulations consistent with statutory authority;
9. a witness is called to testify in administrative proceedings directed against a Government civilian employee or Uniformed Service member in adverse action

type cases. The testimony can be on the Government's behalf or on behalf of the civilian employee or the Uniformed Service member. The presiding hearing officer must determine that the testimony of the witness is substantial, material, and necessary for a proper disposition of the case and that an affidavit from the desired witness cannot accomplish the same objective adequately;

10. an individual is called to testify as a witness at a pretrial investigation conducted under Article 32, Uniform Code of Military Justice, 10 U.S.C. §832;
11. attendance as a complainant at an administrative hearing when the complaint is related to the complainant's Federal employment, the hearing is provided for by applicable Federal employment regulations, and it would be unreasonable to require the complainant to appear at personal expense (B-180469, February 28, 1974);
12. when an individual is an attendant for: (a) a disabled employee on official travel (56 Comp. Gen. 661 (1977)), or (b) an employee who interrupts TDY because of incapacitated illness or injury (par. C6454); and the employee is incapable of traveling alone;
13. a determination is made by the order-issuing official that a dependent may travel with the sponsor at Government expense to attend an unquestionably official function in which the dependent is actually to participate in an official capacity, or such travel is deemed in the national interest because of a diplomatic or public relations benefit to the U.S. Such participation ordinarily is limited to spouses and is representational in nature. As such, travel is allowed on a mission noninterference basis only, and must be supported with ITOs, that ordinarily authorize reimbursement of only transportation costs. However, the order-issuing official may authorize/approve transportation, per diem and/or other actual expense allowances if it is determined that the individual's travel is essential to accomplishing the mission and there is a benefit for DoD beyond fulfilling a representational role. Code 2 civilians, 4-star general/flag officers, and certain 3-star general/flag officers serving as OCONUS or combined commanders (as specified in DoD 4515.13-R, "Air Transportation Eligibility"), may authorize/approve transportation, per diem, and/or other expense allowances for their spouses on a case-by-case basis using the criteria in SecDef memorandum dated 10 June 1994 (Subject: DoD Policy on the use of Government Aircraft and Air Travel). This authority does not constitute blanket approval authority. Order-issuing officials for all other travel under this item are: (a) The Office of the Secretary of Defense Executive Secretary for SAM and OSA support for requests from OSD, the Defense Agencies, and outside the DoD; (b) The Chairman of the Joint Chiefs of Staff, or designee, for requests from the Joint Staff; (c) The Commanders of

Unified Commands, or their designees, for requests from members and employees within their commands. (When joint or dual-hatted personnel are traveling on behalf of their joint commands, approval must be obtained through their joint command approval authority and not through their individual Service channels. This authority may be further delegated in writing, but may not be delegated below the Major Command Chief of Staff or equivalent level for travel requests from DoD senior officials. NOTE: Major Commands are those ordinarily commanded by 4-star flag officers.); (d) The Secretaries of the Military Departments, or their designees, for requests from their staffs; (e) The Service Chiefs, or their designees, for requests from members and employees within their Services (This authority may be further delegated in writing, but may not be delegated below the Major Command Chief of Staff or equivalent level for travel requests from DoD senior officials.). An ITO issued under the authority of this item, that authorizes Government-funded transportation only (i.e., no per diem or actual expense allowances) for the dependent, must include the following statement: "This order authorizes the dependent to accompany the sponsor to attend an official function. It does not entitle the dependent to per diem or other expense allowances. If the dependent does not want to bear these expenses, this order is canceled";

14. a determination is made by the Secretarial Process for personnel within that department, or by the Chairman of the Joint Chiefs of Staff or designated representative for personnel assigned to the Joint Staff and unified commands that the spouse of a civilian employee or uniformed member may travel at Government expense to attend a Service-endorsed training course or briefing and subsequent voluntary service incident to such training or briefing (71 Comp. Gen. 6 (1991)); or
15. travel is by an individual who serves as an organ donor for a Uniformed Services member, when the donation is authorized under Service regulations.

C6001 RESTRICTIONS

Invitational travel shall not be authorized for:

1. nonappropriated fund officials or employees traveling on nonappropriated fund business;
2. contractor employees (except as provided in par. C6004);
2. transportation of dependents and/or HHG or other property of individuals for whom ITOs are issued;
3. (a) Federal Government employees or (b) Uniformed Services members, excluding retired persons (Federal employees and Uniformed members on active duty are given regular TDY orders unless authorized pre-employment interview travel under par. C6200 and employee/member is in a leave status during such travel (B-219046, September 29, 1986)). An employee/member may

be included on an ITO issued to a patient when traveling as a non-medical attendant.

C6002 ALLOWANCE EXPENSES

A. General. An ITO provides for travel and transportation of an individual from the business place or home to the place where that individual's services are required, and return to the origin point.

B. Transportation Modes. Authorization of transportation modes, routing, and accommodations should be consistent with the provisions in Chapter 2 as appropriate to mission requirements.

C. Witness at a Military Court-Martial. A person not in the Government employ, when called as a witness before a military court-martial (except to testify as a witness at a pretrial investigation conducted under Article 32, Uniform Code of Military Justice, 10 U.S.C. §832; see par. C6000, item 10), is entitled to travel and transportation allowances under Service administrative regulations.

D. Participants in Annual National Matches Sponsored Under 10 U.S.C. §4312. Title 10, U.S.C. §4312 authorizes payment of a mileage allowance to civilian competitors while traveling to and from the National Matches. The mileage allowance for the return trip may be paid in advance. Provisions for payment of the travel allowances are in AR 920-30. The ITOs also may authorize a subsistence allowance for the duration of the competition. The rate of the allowances is set by the Director for Civilian Marksmanship and stated in the ITO issued to each competitor.

E. Attendance at an Award Ceremony. Reimbursement for travel and transportation expenses ordinarily may be allowed for one individual to attend a major award ceremony (for example, a Presidential award ceremony, an annual award ceremony of the agency or major organizational component, or a prestigious honorary award ceremony sponsored by a non-Federal organization) provided: 1. the travel and transportation is authorized by the head of the DoD component concerned or designee; and, 2. the individual is a person of the award recipient's choosing who is related by blood or affinity or whose close association with the award winner is the equivalent of a family relationship. The reimbursement authorized in this paragraph is intended to cover instances, in which the award winner and guest are geographically distant from the site of the ceremony, rather than in instances in which the award winner's residence is in the same area as the ceremony. (For example: The award winner and spouse live in Denver, CO, and the ceremony is in Washington, DC. Travel and transportation allowances may be authorized for both the winner and spouse.) Reimbursement under this paragraph also may be authorized if the guest must travel from a location geographically distant from the ceremony site but different from the award winner's location. The DoD component concerned may allow attendance at Government expense of more than one

individual when the award winner requires assistance because of a handicapping condition. Reimbursement for transportation is limited to direct travel to and from the location of the ceremony (including travel between common carrier terminals and hotel where applicable and the site of the ceremony). Per diem is allowed for direct travel to and from the location of the award ceremony and for the day of the ceremony.

F. Travel of DoD Education Agency (DODEA) Students for Academic Competitions and Co-curricular Activities. DODEA statutory charter, (codified at 20 U.S.C. §921-932), authorizes travel for DODEA students to academic competitions and co-curricular activities. ITOs (citing DODEA appropriations) are used to authorize transportation for students in support of curricular or extracurricular activities. The Director, DODEA, or designee determines appropriate activities. Payment of per diem, reimbursement for meals and/or lodging, or incidental expenses ordinarily associated with TDY shall not be authorized. C6003 INVITATIONAL TRAVEL ORDER The sample format contained herein may be used as a guide in the preparation of an ITO in all Services. Use of the sample format is not mandatory.

APPENDIX D-16: ARMY REGULATION 37-47 EXTRACT - USES OF OFFICIAL REPRESENTATION FUNDS

Army Regulation 37–47

Representation Funds of the Secretary of the Army

Chapter 2
Uses of Official Representation Funds

2–1. Official courtesies

a. Official representation funds (ORFs) will primarily be used to extend official courtesies to authorized guests. For guidance on who may be an authorized guest, see paragraph 2–3. Official courtesies will be in keeping with propriety as dictated by the occasion and conducted on a modest basis, see paragraph 2–2. For the purposes of this regulation, official courtesies are defined as the following:

(1) Hosting authorized guests to maintain the standing and prestige of the United States at home and abroad.

(2) Luncheons, dinners, receptions, and participation expenses at DOD-sponsored events held in honor of authorized guests.

(3) Entertainment of local authorized guests required to maintain civic or community relations.

(4) Receptions for local authorized guests to meet with newly assigned commanders or appropriate senior officials.

(5) Entertainment of authorized guests incident to visits by U.S. vessels to foreign ports and visits by foreign vessels to U.S. ports.

(6) Official functions, floral wreaths, decorations, and awards, in observance of foreign national holidays and similar occasions taking place in foreign countries.

(7) Dedications of facilities.

b. All official courtesies are subject to the ratio limitations set forth in paragraph 2–5.

c. Hosts are encouraged to extend official courtesies within their quarters. If the event complies with this regulation, and the host obtains approval before the event, he or she may be reimbursed with ORFs for expenses incurred.

d. Costs incidental to an event funded by representation funds (e.g., salaries; airplane fuel; and travel and transportation of DOD personnel, excluding those authorized by paras 2–8e(4), (5), and (6)) will be charged to the normal appropriation legally available for such purposes.

2–2. Level of expenditures

a. ORFs will only be expended on functions conducted on a modest basis. In determining modesty, the rank and position of theauthorized guest(s) may be taken into consideration. Commanders are encouraged to establish expense limits for the various types of expenses they commonly incur.

b. In furtherance of this policy, the SA has established a $10,000 expense threshold for any one event. An entire visit by an authorized guest constitutes one event for purposes of this threshold. Any expenditure of ORFs that exceeds $10,000 must be approved in advance by the SA. Requests for approval will contain specific justification, the invitation list, and a cost breakdown and be for-warded to Army General Counsel, ATTN: SAGC(E&F), 104 Army Pentagon, WASH DC 20310–0104. Such requests shall be received no later than ten working days prior to the event. After review, the Office of the General Counsel will forward the request through the SAAA to the SA.

2–3. Authorized guests

Expenditures for official courtesies will be approved only for courtesies extended to authorized guests. Authorized guests are defined as:

a. Foreign citizens whose rank, position, function, or stature justifies official entertainment. These guests may be distinguished citizens, military personnel, or government officials. See paragraph 2–8e for special rules.

b. Federal, state, county, and local government officials such as the President and Vice President of the United States, Cabinet members, Members of Congress and Congressional staff, state governors, and city mayors.

c . National or regional dignitaries; citizens committees; and prominent citizens of local communities who make a substantial contribution to the Nation or DOD, or to the Army’s primary mission. These include individuals who are recognized leaders in their fields of expertise and members of the news media on certain
occasions. This category applies particularly in foreign countries where training exercises, maneuvers, community relations programs, and associated military/civilian activities are conducted throughout the local community.

2–4. Department of Defense (DOD) personnel

Official representation funds cannot be used solely for the entertainment of, or in honor of, DOD personnel, except as specifically permitted in paragraph 2–4f and 2–4g below. For purposes of this regulation, DOD personnel include:

a. Military members of the Armed Forces and civilian employees of DOD.

b. Spouses and dependents of military members of the Armed Forces and civilian employees of DOD, unless they otherwise qualify as authorized guests as defined in paragraph 2–3.

c. Retired military and civilian persons unless they otherwise qualify as authorized guests as defined in paragraph 2– 3.

d. State Adjutants General who have received federal recognition in any grade and any other National Guard general officers who have ever received federal recognition.

e. Reserve forces and the Army and Air National Guard unless they otherwise qualify as authorized guests as defined in paragraph 2–3.

f. Select senior DOD personnel when on official visits to the field may be extended minimally required official courtesies. The term “minimally required” means small, modest functions. For purposes of the ratios required by paragraph 2–5, the visiting official(s) and his or her party may be counted as authorized guest. These officials will normally pay their own expenses when visiting Army installations. For example, when attending a function held in an officer’s open mess, public restaurant, or similar location where per capita charges can be identified, members of the visiting party and the other participants will pay their respective charges prior to departure. The select senior DOD personnel are:
(1) Secretary and Deputy Secretary of Defense.
(2) Under Secretaries of Defense.
(3) Director, Defense Research and Engineering.
(4) Assistant Secretaries of Defense.
(5) Under Secretary of Defense (Comptroller).
(6) General Counsel, DOD.
(7) Inspector General, DOD.
(8) Director, Operational Test and Evaluation.
(9) Assistants to the Secretary of Defense.
(10) Chairman, Joint Chiefs of Staff.
(11) Vice Chairman, Joint Chiefs of Staff.
(12) Director, Joint Staff.
(13) Unified and Specified Commanders.
(14) Deputy Commander in Chief, USEUCOM.
(15) Secretaries , Under Secretaries, Assistant Secretaries, and General Counsels of the Army, Air Force, and Navy.
(16) Chiefs and Vice Chiefs of Staff, Army and Air Force.
(17) Chief and Vice Chief of Naval Operations.
(18) Commandant and Assistant Commandant of the Marine Corps.
(19) Directors of Defense Agencies.
(20) President, Uniformed Services University of the Health Sciences.

g. Use of ORFs for retirement ceremonies or change of command ceremonies for DOD civilian and military personnel is generally prohibited. Within his or her discretion, the SA may approve limited expenditures for such ceremonies that he or she deems in the Army’s interest. Inability to meet the ratios in paragraph 2–

5 will not alone require denial of a request. Requests for approval will be submitted as described in paragraph 2–10.

2–5. Required ratios of authorized guests to Department of Defense personnel

a. Official representation funds may only finance the total cost of official courtesies when the ratios in (1) and (2) below are met or exceeded. Ratios are determined by comparing the number of authorized guests and members of their party to the number of DOD personnel. For the purpose of determining ratios, persons accompanying authorized guests in accordance with paragraph 2–8e are
counted as members of the authorized guest's party.

(1) For parties of less than 30 total persons, at least 20 percent of the official guest list should consist of authorized guests and members of their party; a ratio of one authorized guest to four DOD personnel.

(2) For parties of 30 or more persons, at least 50 percent of the official guest list should consist of authorized guests and members of their party; a ratio of one authorized guest to one DOD person.

b. If the ratios in a(1) and a(2) above are not met, DOD personnel in excess of the ratios may attend by paying their pro-rata share of the total expenses. The additional personnel may bear the cost of their attendance, or the cost may be allocated among all DOD attendees. The following examples illustrate how to calculate these shares.

(1) An official guest list contains 50 people requiring a 50 per-cent ratio. Ten people on the list are authorized guests. Applying the one to one ratio, only 10 DOD personnel may be properly funded with ORFs. These 20 people (10 authorized and 10 DOD) comprise 40 percent of the total guest list and, therefore, ORFs may cover 40 percent of the total cost of the function. The remaining 60 percent of the cost must be paid either on a pro rata basis by the additional
30 DOD persons, or as divided among all DOD attendees. In dollar terms, if the function cost $10/person, the total cost would be $500. ORFs pay $200 for the 10 authorized and 10 DOD personnel. The remaining 30 DOD personnel pay $300 or $10/each, their pro rata share, or all 40 DOD personnel pay $7.50.

(2) An official guest list contains 25 people requiring a 20 per-cent ratio. Three people on the list are authorized guests. Applying the one to four ratio, only 12 DOD personnel may also be properly funded with ORFs. These 15 people (3 authorized and 12 DOD) comprise 60 percent of the total guest list and, therefore, ORFs may cover 60 percent of the total cost of the function. The remaining 40
percent of the cost must be paid either on a pro rata basis by the additional 10 DOD persons, or as divided among all DOD

attendees. In dollar terms, if the function cost $16/person, the total cost would be $400. ORFs pay $240 for the 3 authorized and 12 DOD personnel. The remaining 10 DOD personnel pay $160 or $16/each, their pro rata share, or all 22 DOD personnel pay $7.27.

c. Planning officials are reminded that these ratios are intended as a minimum allowable percentage to justify the expenditure of ORFs for an entire function. In no circumstance will the applicable ratio be exploited to allow the attendance of more DOD personnel than absolutely necessary without having to pay their share of the cost of the function. The practice of adding unnecessary DOD personnel
as function participants merely because the minimum ratio may permit it, is specifically prohibited.

d. The following guidelines apply to leisure activities and entertainment of visiting authorized guests:

(1) Leisure activities or entertainment or both will be planned to coincide with the military orientation aspect of the visit. The DA will fund these activities once or twice during the visit on a modest basis.

(2) Absent SA approval, significant detours or deviations from established itinerary to accommodate leisure activities and entertainment requested by the visiting authorized guest will only be arranged if the costs are borne by the visiting guests.

§ 2–9. Gifts

a. Official representation funds may be used to purchase gifts, mementos, or tokens that will be presented to authorized guests in connection with official courtesies.

(1) Gifts presented pursuant to this authority will cost no more than the amount currently authorized in DOD Directive 7250.13. As of the publication date of this regulation, the amount was $225.

(2) Gifts on behalf of the U.S. Government may be presented by the Secretary of the Army, Chief of Staff, Army, Vice Chief of Staff, Army, principal officials of HQDA, MACOM commanders and other officials who receive a Letter of Authority from OASA(FM&C) in accordance with paragraph 3–1b, and installation commanders. With prior written permission from one of these senior officials, subordinate officials under a presenting official’s command or supervision may present a gift on the senior official’s behalf. The authority may not be further delegated. If the presentation is in conjunction with a function the subordinate official is hosting in accordance with paragraph 2–7a, permission for both the event and the gift may be contained in a single document.

b. Gift items procured in bulk may not include the presenting official’s name unless the official is the SA, CSA, or the

APPENDIX D-17: ARMY REGULATION 600-8-22 EXTRACT – MILITARY AWARDS

ARMY REGULATION 600–8–22

MilitaryAwards

Chapter 10
Certificates, Memorandums, and Letters

Section I Overview

10–1. Intent
This chapter outlines the policies and procedures governing eligibility
criteria and issuance of various certificates and letters.

10–2. Prohibitions

a. Embossed or engraved certificates other than those specifically
authorized by the Secretary of the Army will not be issued.
b. The social security number will not be entered on the certificate due to the provisions of the Privacy Act.

10–7. Certificate of Achievement

Commanders may recognize periods of faithful service, acts, or chievements which do not meet the standards required for decorations by issuing to individual U.S. military personnel a DA Form 2442 (Certificate of Achievement) or a Certificate of Achievement of local design.

a. Certificates of Achievement will be issued under such regulations
as the local commander may prescribe.

b. If a locally designed Certificate of Achievement is printed for use according to this regulation, it may bear reproductions of insignia. In the interest of economy, the use of color will be held to a minimum.

c. The citation on such certificates will not be worded so that the
act of service performed appears to warrant the award of a decoration.

d. No distinguishing device is authorized for wear to indicate the
receipt of a Certificate of Achievement.

e. Copies of Certificates of Achievement or memorandum of

record stating that a Certificate of Achievement has been awarded and citing the service recognized will be distributed to the individuals Military Personnel Records Jacket and Official Military Personnel File per AR 600–8–104.

f. Certificates of Achievement may be awarded to Department of
the Army civilians as specified in AR 672–20.

a . The CGs, TRADOC, FORSCOM , State adjutants general, Army Reserve General Officer Commands, Corps, and the U.S. Army Military District of Washington are authorized to make this award.

b. Certificates will be presented by the awarding commander or by an authorized representative, as appropriate.

c. The above commanders are authorized to reproduce locally certificates substantially as shown in figure 10–1. In the interest of economy the use of multiple color inks will be held to a minimum.

Chapter 11
Trophies and Similar Devices Awarded in Recognition of Accomplishments

11–1. Intent

a. Trophies and similar devices may be presented to military members, units, or Department of the Army agencies for excellence in accomplishments or competitions which clearly contribute to the increased effectiveness or efficiency of the military unit, that is, tank gunnery, weapons competition, and military aerial competition.

b. Intramural and athletic competitions may also be recognized. Implementing instructions for these programs are contained in AR 215–1, chapters 2 and 3 and appendix C and AR 215–2, chapter 6.

11–2. Award Guidelines

a. Contests and events for which trophies are to be presented will be announced officially. They will be conducted within a stated period. All eligible members, units, and agencies will be given an equal chance to compete.

b. Contests and events will be of a continuing nature. However, awards may be made on a one-time basis where the achievement is unique and clearly contributes to increased effectiveness.

c. Trophies and similar devices should be properly displayed.

d. Coordination will be accomplished to prevent one member, unit, or agency from receiving two awards for an achievement when other candidates are equally qualified.

11–3. Items to be awarded

Trophies include but will not be limited to, loving cups, plaques, badges, buttons, and similar objects which represent the type of achievement or contest . Cash prizes or savings bonds are not authorized. Commanders who approve the purchase of the award will set the monetary limits. However, such awards will not exceed the value of $75 for an individual award or $250 for a team award. Exceptions will be specifically approved by the appropriate MACOM or principal HQDA official. Cash prizes awarded under the provisions of AR 672–20 are excluded from the provisions of
this regulation.

11–4. Use of appropriated funds

Appropriated funds will be used to purchase the items to be awarded. MACOM commanders, State adjutants general, and principal HQDA officials may authorize their subordinate commanders to use appropriated funds as required.

APPENDIX D-18: THE DENTON PROGRAM

The Denton Program

The Denton Program allows donors to use space available on U.S. Military cargo planes to transport humanitarian goods and equipment to countries in need.

A. Overview
The Denton Amendment is a commodities transportation program that is jointly administered by USAID, the Department of State (DOS), and the Department of Defense (DoD). It allows for the transport of humanitarian goods on a space available basis using U.S. Military transportation. The program was initially created to use the extra space on U.S. cargo aircraft that were flying supplies into Central America. Although the program expanded to include most areas of the world, the likelihood of obtaining transportation decreases as the distance to the country increases. Since Denton is a space available program, it is impossible to predict when transportation will materialize; therefore, no guarantees can be made regarding completion of a shipment.

B. Program Purpose and Objectives
To put the empty space on U.S. Military transport to good use by providing humanitarian relief transportation for nongovernmental organizations or private citizens, at little or no cost to themselves.

C. Program Guidelines
The donor should always keep in mind that the Denton Program offers free transportation on a space available basis. It cannot be undertaken at any cost to the U.S. Government other than the cost of transportation itself. Applications in which the donor seeks financing for any cost other than the military transport, such as storage or local transportation, will not be approved. Following is a synopsis of the four stages of the Denton Program.

Application

- Before gathering supplies, a prospective donor must contact USAID/Washington to determine whether the program is possible in the specific country.
- The donor must identify an in-country consignee and/or local contact who will: (a) secure the approval of the host government by arranging with a customs official to obtain either duty-free entry or provide tariffs for entry; (b) ensure compliance with all legal requirements in the country; (c) receive and take possession of cargo on arrival; and (d) distribute cargo to the beneficiaries.

Cargo and Shipping

- The donor must package the material and or goods in compliance with U.S. Military procedures.
- Because this is a space available program, DoD cannot schedule transportation for Denton Program cargo or assure that items will arrive on a particular date. For this reason, time-sensitive cargo, such as medical supplies with an expiration date within nine months will not be shipped, and perishable food cannot be accepted. Donors must also be able to store or pay for commercial storage until transportation becomes available.
- Once an application is received, USAID and the DOS will determine whether the application is consistent with U.S. foreign policy objectives. If this and the other requirements of the Denton Program are met, DoD also will review the application to determine feasibility for transport. USAID will communicate with the destination country to ensure the cargo will be acceptable. Once these steps have been taken, the application will then be formally approved or disapproved and the donor will be notified. Depending on the workload and the responsiveness of the destination country, this process can take from several weeks to several months.
- The cargo will then be inspected at the warehousing site by representatives of the U.S. Government. The inspection team reserves the right to remove items from the inventory which, for reasons of safety or legality, may not be shipped under the Denton Program.
- DoD will contact the donor when space becomes available for the approved cargo. At that time, the donor will be told when and where to deliver the cargo.
- The donor must be aware that application approval does not obligate the U.S. Government to provide transportation for approved cargo. Even after delivery to a United States Military base, as directed, there can be no guarantees that the shipment will be transported, since DoD cannot plan or create space availability. Although such instances are rare, it may be necessary for the donor to reclaim the shipment if the planned transportation does not occur and there is no transportation in the foreseeable future.

Arrival

- The donor must provide or pay all costs of local storage or shipping. Cargo must arrive at the departure location within the time-frame dictated by DoD. Early or late arrival, or any non-compliance with theses guidelines will result in the return of the cargo to the donor, at the donor's costs.
- Expeditious removal of the cargo from the point of entry is required. The donor must communicate with the consignee in the destination country the date and time of arrival. The consignee must take possession of the cargo and ensure that the cargo clears customs and other legal requirements in the country.

Distribution and Reporting

- The consignee is responsible for timely distribution of the cargo to the targeted beneficiaries. Supplies must be distributed in a non-commercial basis, free of cost to the recipients.
- The donor will submit a report to USAID/Washington within 30 days after the supplies are distributed, describing in detail how they were in fact distributed, to whom, and how the supplies where used.

For detailed instructions see the Guidelines for Transportation Under the Denton Program: Section G (PDF)

D. Relationship to PVC's Strategic Plan

The Denton Program is the most inexpensive way for PVOs to mobilize resources. Because of the planning and unilateral coordination needed for a successful transport, the Program demands that a PVO organize its administrative system and more often than not, partner with local NGOs to deliver the materials once in the recipient country.

G. Key Program Statistics

FY '98

Shipments Completed: 108

Tonnage Requested: 3.5 million pounds

Tonnage Shipped: 2.4 million pounds

Number of Countries Served: 38

H. Contact Person

Kevin Rafferty, Manager, Commodities Freight Program

Tel: (202) 712-4795

Fax: (202) 216-3041

E-Mail Contact: krafferty@usaid.gov

DENTON PROGRAM APPLICATION FORMS – AVAILABLE ON LINE at

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APPENDIX D-19: USIA NEWS ARTICLE

U.S. Military quadruples personnel aiding Hurricane Mitch recovery

Source: US Information Agency (USIA)
Date: 19 Nov 1998

(General Wilhelm says reconstruction to begin November 26) (700)
By Jacquelyn S. Porth, USIA Security Affairs Correspondent

Washington -- The commander of the U.S. Southern Command (SOUTHCOM) says the United States is planning to quadruple the number of military personnel deployed to Central America to carry out disaster relief efforts.

"It is the biggest task undertaken in the context of humanitarian assistance and disaster relief operations by SOUTHCOM in recent history," according to Marine Corps General Charles Wilhelm who briefed Defense Secretary Cohen and Deputy Defense Secretary John Hamre on the three-phase U.S. military effort on November 19.

Following the briefing, Wilhelm met with reporters to discuss what he termed "the most devastating storm to hit Central America" in more than 200 years. Hurricane Mitch has caused widespread damage to 40 percent of Central America's landmass, he said, in Guatemala, El Salvador, Nicaragua, and Honduras, the nation hardest hit by the disaster.
Wilhelm, who recently returned from Central America, said 9,860 people had died in the hurricane and another 13,225 are still missing. A staggering 3,200,198 persons have been displaced or rendered homeless.

Apart from the human tragedy, Wilhelm cited the enormous damage to the infrastructure of Central America, including 352 bridges, some 50 percent of the major bridges in the region. This statistic, he said, "illustrates the magnitude of the reconstruction task."

U.S. forces began contingency operations for the hurricane even before it hit land in October, thereby ensuring that relief efforts were an "instant response," Wilhelm said. During Phase One of the U.S. operation, he said, 1,377 U.S. military personnel helped save the lives of 700 individuals. They also distributed 1,141,560 kilograms of food; 42,525 kilograms of medical supplies; and 264,860 liters of water.

Wilhelm said U.S. assistance began even before the hurricane rains had stopped. Initially, a military base of operations was established at Soto Cano Air Force Base in Honduras. Forward bases were then established in locations such

as La Ceiba, Honduras, and Guatemala City, Guatemala. This facilitated flights by 39 helicopters and six fixed-wing aircraft. The United States expects to spend about $35 million on the emergency assistance phase, which will end next week.

Phase Two of the relief operation, which will begin November 26, "will focus on rehabilitating essential infrastructure throughout the region to reestablish national capabilities to provide for health and basic welfare of the populace," Wilhelm said, "including opening and clearing main roads, rebuilding main bridges, restoring power generation capabilities, digging wells, providing medical support, and rebuilding key structures."

The U.S. will devote 5,700 personnel drawn from all four military services to the second phase of the relief operation, according to Wilhelm. Twenty more helicopters and four fixed-wing aircraft will be devoted to regional relief efforts. Assets needed to carry out this phase of operations, including engineers and heavy equipment, will arrive via 80 C-141 military airlifts and four sealifts. The overall effort is designed to try to restore damaged infrastructure "as quickly as possible," the commander said.

A third phase, the restoration phase, will focus on long-term efforts to permanently repair infrastructure, rebuild economies, and mitigate storm damage to the greatest extent possible, Wilhelm said. This will include building clinics, schools, and wells. The U.S. military role will decrease in the final phase, he said, as the role of non-governmental organizations and interagency groups increases.

The countries that were devastated by Hurricane Mitch now are facing the outbreak of disease, the destruction of key staple crops such as bananas and beans, and the threat of anti-personnel landmines which were washed to new locations by the flood waters.

The people of the region "need a fresh form of employment," Wilhelm noted. With the help of international aid, he said, the affected countries are "forging plans to provide for the resettlement of some of their people and the rebuilding of some of the homes that were damaged" during flooding. All in all, he said, it will take "a large effort over time involving the international community" to solve the problems.

APPENDIX D-20: INTERNATIONAL FEDERATION OF THE RED CROSS SITUATION REPORT NO. 2

Source: IFRC
Date: 12 Nov 1998

Central America: Hurricane Mitch Situation Report No. 2

appeal no. 33/98
situation report no. 02
period covered: 2 to 11 November 1998

With the death toll of Hurricane Mitch now estimated as at least 9,000 and the numbers of people affected at between three and four million, National Societies in the region are fielding thousands of volunteers for search and rescue efforts, setting up and supplying evacuee shelters and packing and distributing food parcels. In response to the Federation appeal, participating National Societies are flying in relief supplies and equipment and making technical personnel available. Safe water is a major concern as are transportation difficulties.

The context

Authorities in Central America are calling Hurricane Mitch the worst storm in 200 years. In only ten days (October 22-31), Mitch killed at least 9,000 people and caused billions of dollars of damage. Thousands more are reported missing, but their true number will probably never be known. Almost 1.5 million people have been evacuated to shelters and some four million people in all are affected.

In Honduras, Nicaragua and Guatemala, the worst-hit countries, vast tracts of land are under water. Crops and livestock have been wiped out. Economic development, it is surmised, has been set back 20 or 30 years. The destruction of bridges, roads, airports and telecommunications is seriously hampering search and rescue activities and relief distributions. The other nations in Central America -- Costa Rica, Panama, El Salvador and Belize -- though not as badly affected, are also struggling to help thousands of victims.

The situation, country by country, is as follows:

HONDURAS

The worst-hit country. Almost 90% of the territory has been ravaged by the hurricane and 50% of the population has been affected, with one million homeless. 70% of the farm land is under water. There is severe flooding on the Atlantic coast and the capital, Tegucigalpa, is cut off. A state of national emergency is still in effect and curfew hours

have been established.

NICARAGUA

The entire country has been affected by rains, and floods have engulfed central and north east areas; 80% of the crops have been lost.

GUATEMALA

The storm left 228 dead and forced at least 82,000 from their homes. Subsistence farmers have lost 80% of their crops.

EL SALVADOR

East Salvador, along the border with Honduras, and islands in the Gulf of Fonseca, are the worst affected areas. 75% crop losses.

COSTA RICA

Torrential rains caused severe flooding on the Pacific coast; 37 cantons and the capital city are affected.

BELIZE

Severe flooding occurred in coastal areas, including the capital, where 75,000 had to be evacuated.

PANAMA

Although some flooding occurred on the Atlantic coast, Mitch's impact was minor and international aid is not required. The weather in Central America has returned to normal for this time of the year. Seasonal rainfall is falling on already water-logged territory which cannot drain properly, leaving low-lying lands under several inches of water. Little by little, heavy machinery is clearing highways, opening the way for humanitarian assistance to reach victims. Neighbouring countries are lending helicopters and personnel for the evacuation effort.

Latest events

The Federation launched an emergency appeal on 4 November for CHF 12,570,000 in cash, kind and services to assist 180,000 beneficiaries for three months. (The appeal was originally for Central America and Mexico. It has been renamed, omitting mention of Mexico, since damage there was minor, compared to other countries.)

The duration of the storm, the scale of the damage it caused and the number of countries it affected have overwhelmed the region's response capacity. The resources

of the Central American Red Cross Societies have been stretched to the limit and many of their workers are close to exhaustion, after weeks of non-stop efforts. Their operations are also seriously hampered by the breakdown of communications, the destruction of roads and bridges and a shortage of transport.

Co-ordination difficulties

Internationally, the massive mobilisation of assistance is proving difficult to channel. Spontaneous initiatives are bypassing co-ordination systems, and creating a major relief management challenge. Outside specialists who are being rushed to the area and VIP visits are tying up urgently needed resources. Hard information on needs, quantities and beneficiary numbers are difficult to come by, because of communications difficulties, and what information is available is not being linked effectively enough to the mobilisation of aid by the donor community elsewhere in the world.

Federation measures

The Federation Secretariat is taking a number of immediate measures to reinforce the co-ordination of Red Cross/Red Crescent assistance to the region.

- Three seasoned relief co-ordinators will be assigned to Honduras and Nicaragua, to work with the National Societies in the organisation of relief delivery systems. The first arrived in Honduras yesterday.
- The Secretariat is convening donors to a co-ordination meeting in Geneva next Monday, 16 November.
- Secretariat officials will hold a co-ordination meeting today with UN OCHA officials in Geneva.
- The Federation is preparing to send a team to the region in the near future to focus on rehabilitation in co-ordination with the Regional Delegation and the ONS. The team will be led by the Disaster Policy Director Peter Walker.

<u>Red Cross/Red Crescent action</u>

National Societies in Central America have mobilised more than 8,000 volunteers as well as all their staff to bring relief to the victims of Mitch. Working in co-operation with governments and other aid agencies, they have helped evacuate more than 1.3 million people. They are also working in some 700 shelters, bringing first aid services, distributing food, water and clothes to people housed there.

In continuing efforts to assist victims, the Central American Societies are focusing efforts and resources on three fronts: health, rescue and logistics.

Health - The priority is the provision of clean water to hundreds of thousands of people left homeless and destitute, to avoid the spread of diarrhoeal diseases, such as cholera, as well as skin and eye infections. Decomposing bodies are being dug out of the mud and removed from rivers.

Rescue - As many as 40,000 people in the region may still be isolated, with little or no food or water. Some have spent days on the roofs of their houses or in trees, suffering from hunger, sunburn and dehydration. Efforts to reach them and bring them to safety are underway, but face major logistics difficulties.

Logistics - As international aid begins to arrive, the massive destruction wrought to roads, bridges and telecommunications is still hampering relief efforts. Governments are clearing roads with heavy equipment and working to re-establish telephone lines. More than 90% of Central American commerce depends on road transportation.

The Federation Regional Delegation in Guatemala City with its six delegates (head of delegation, finance, disaster preparedness, health, information and youth) is co-ordinating incoming information and requests for relief assistance from the National Societies of the affected countries. It has helped co-ordinate the transfer of funds directly to the NS to purchase emergency relief goods. To increase the disaster information flow and co-ordinate media coverage, it has sent its information delegate to the most affected areas. The Secretariat has sent two officers to support the Regional Delegation -- an interim head of delegation, and an information officer.

HONDURAS

The Honduran Red Cross has already distributed more than 6,000 family parcels, containing rice, beans, corn, sugar, soap and toothpaste. Some 3,000 Red Cross volunteers continue to help unload humanitarian supplies from planes and trucks, transporting them to warehouses and re-packing them into family packs. They are ensuring shelters are supplied with essential goods.
The Federation Secretariat organised the despatch of an assessment team of three delegates from the Swedish and Austrian Red Cross and has co-ordinated the shipping of an Austrian Red Cross Specialised Water ERU and a Swedish Red Cross Mass Water and Sanitation ERU. One will be based in Tegucigalpa and the second in San Pedro Sula. Both the Secretariat and the Regional Delegation have helped the National Society in contacts with the British Royal Navy which has offered helicopters for the relief operation.

Twelve volunteers from the Mexican Red Cross with emergency medical experience are providing first aid at the Choluteca Red Cross branch. The Costa Rican Red Cross and the Red Cross of El Salvador have sent 12 and 20 volunteers respectively to assist the Honduran Red Cross in search and rescue efforts along their shared borders.

The first planeload of emergency supplies from the Spanish Red Cross has arrived. The National Society also sent an emergency response telecommunications unit and four delegates to the country. The British Red Cross sent a planeload of supplies (6 WHO medical kits, chlorine tablets and blankets), with two delegates. Other delegates have been assigned to the country by the German and American Red Cross.

NICARAGUA

The Nicaragua Red Cross mobilised 2,000 volunteers to help rescue people stranded by the cyclone and provide them with food, water and first aid. They are now organising emergency supplies for evacuee centres. The Nicaraguan Red Cross has three medical brigades in the field. Hundreds of Red Cross volunteers worked for days to try and rescue people from the huge mudslide at the Casitas Volcano that buried several villages.

On 9 November, the Regional Delegation sent a delegate to assist the NS with the purchasing of goods, further damage assessment and implementation of the plan of action for future relief efforts. The Secretariat has made an initial transfer of funds for operating expenses. It is arranging for a German Red Cross ERU in Peru to be shipped to Nicaragua. A German Red Cross delegate will arrive shortly to identify the best location for this equipment.

The Mexican Red Cross has sent a team of 12 volunteers to Nicaragua to assist the NS with pre-hospital care and general medical assistance to the hurricane victims. The Spanish Red Cross has flown in 50 tons of relief supplies and four delegates and sent funds. The Italian Red Cross and the American Red Cross have announced support for needs assessments.

GUATEMALA

The Guatemalan Red Cross has had a good response to its local appeal and is distributing clothing, food and water to the shelters. Its branches are co-ordinating efforts with other NGOs such as the Boy Scouts. The Society is also sending mobile medical units to the outlying provinces along both coastlines, which are still under about 30 cms. of water.

The Secretariat Information Officer assigned to the Regional Delegation has begun a tour of the affected area and is expected to report back on her findings shortly. The Spanish Red Cross has transferred funds and is sending personnel, as is the Italian Red Cross.

EL SALVADOR

The National Society is purchasing basic food items for family packages, and is acquiring radio equipment.

COSTA RICA

Thanks to media coverage the National Society has received enormous amounts of supplies, chiefly used clothing, which its volunteers are distributing, both within the country and in Nicaraguan border areas. It has sent five containers to Honduras and El Salvador, and is planning to ship up to six more containers.

BELIZE AND PANAMA - Information is awaited from these National Societies.

Tracing

Three experienced Disaster Welfare Inquiries (DWI) officers from the Mexican Red Cross will be sent to the disaster zone to assist the National Societies set up a DWI service. The delegates will be based in Tegucigalpa, Honduras; Managua, Nicaragua and San Salvador, El Salvador. The moratorium on tracing requests will be lifted once the systems are operational.

Outstanding Needs

Needs in this emergency phase fall into three categories:

FOODSTUFFS - Basic foodstuffs for family packages. Land and air transport for the distribution phase is also needed.

HEALTH - The most urgent need is for water purification supplies, including chlorine in all its forms - liquid bleach, chlorine tablets, etc. Also needed are: medicines (WHO kits), antivenin serum to treat snake bites, insecticides, and garbage removal equipment .
NOTE: The national Health Departments of each country are evaluating sanitation and health needs with assistance from PAHO to determine future priorities. However, it is already clear that the only needs are for medicines and medical equipment and supplies; there is absolutely no need for expatriate doctors .

RESCUE EQUIPMENT - personal protection equipment for volunteers, such as boots, hard hats, gloves, raincoats, tools, etc. are needed

External relations - Government/UN/NGOs/Media

Each National Society is co-ordinating its relief efforts with its government. In Honduras a Mitch Emergency Task Force has been set up, presided by the President of the country; its members include representatives of the Armed Forces, municipalities and NGOs, and the Red Cross.

In health matters, the Red Cross is co-ordinating with the Ministries of Health, OPS, Médecins sans Frontières and other NGOs. All the national societies of the region are assisting their Ministries of Health during vaccination campaigns, utilising MoH supplies.

Conclusion

As the extent of the devastation in Central America emerges, it is becoming increasingly obvious that recovery will take years, if not decades.
This will be one of the most challenging operations the Federation and the National

Societies have ever undertaken in the Americas region. A vast area has to be covered and logistics and co-ordination have to be organised in four, possibly five, different countries.
The Federation thanks all donors who responded so promptly to its appeal and have sent or announced their support. It calls for continuing support to reach the appeal target, since needs remain extremely high not only for the emergency relief operations but for the rehabilitation and reconstruction phase. Finally, it urges all donors, when planning support for the Appeal, to bear in mind that co-ordination of efforts is essential. Staff in the Secretariat's Americas Department and Disaster Response Support service are available for further information.

Santiago Gil
Director
Americas Department

Peter Rees-Gildea
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Operations Funding and Reporting Department

APPENDIX D-21: USAID/OFDA HURRICANE MITCH FACT SHEET #4

Source: US Agency for International Development (USAID)
Date: 2 Nov 1998

Central America - Hurricane Mitch Fact Sheet #4

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
BUREAU FOR HUMANITARIAN RESPONSE (BHR)
OFFICE OF U.S. FOREIGN DISASTER ASSISTANCE (OFDA)

Background: Hurricane Mitch began as a tropical depression more than ten days ago. It quickly developed into one of the strongest hurricanes to hit the Caribbean, dumping heavy rains all along the Central American coastline. The hurricane was downgraded to a tropical storm on October 30 and to a tropical depression on October 31. At its height on October 26 and 27, the hurricane had sustained winds of 180 mph. As of early evening on November 1, the storm was located near Tapachula, Guatemala on Mexico's southern Pacific coast (near the border with Guatemala). At that time, the storm was traveling at 8 mph in a west-northwesterly direction.

Maximum sustained winds had dissipated to 30 mph. Heavy rains and high winds continue to affect Honduras, Guatemala, El Salvador, and the southeastern portion of Mexico. Adverse weather conditions are hampering damage assessment capabilities and delivery of relief supplies to affected countries. As of today, USAID/OFDA activated a Disaster Assistance Response Team (DART) to manage and coordinate the U.S. Government relief effort in Central America.

Senior Regional Advisor Paul Bell, the DART team leader, is based in the U.S. Embassy in San Jose, Costa Rica.

Honduras: Honduras continues to suffer the brunt of the storm. After being stalled for more than 48 hours off the country's northern coast, the storm traveled inland over Honduras on October 30 and 31. Extensive flooding and wind damage is being reported on the northern coast and in the Bay Islands. The National Emergency Commission (COPECO) confirms 254 deaths as a result of the storm. According to COPECO and the Ministry of Health, as of October 30, over 120,000 people had been evacuated from affected areas to temporary shelters. Honduran officials report that at least 15,000 houses have been destroyed along the Atlantic coast and that as many as 100 bridges have been damaged or destroyed. Assessments conducted by COPECO indicate that the Bay Islands of Guanaja, Roatan, and Utila and the areas of La Ceiba, Tocoa, and Trujillo are the most severely affected. La

Ceiba is flooded and essentially cut-off, with both the Danto and Cangrejal rivers overflowing their banks. San Pedro Sula, the second largest city in Honduras, is one meter under water. Riots are occurring on the outer islands of Honduras, where food and water are in short supply.

On October 27, the U.S. Ambassador to Honduras James F. Creagan declared a disaster due to the effects of Hurricane Mitch. USAID/OFDA responded immediately by providing a total of $125,000 to the USAID Mission in Honduras for the local purchase and transport of critical relief supplies, including food, simple cooking stoves, blankets, and medical supplies. USAID/OFDA also provided a total of $750,000 for the deployment of U.S. Department of Defense (DOD) aircraft to assist in overflight assessments, search and rescue operations, and delivery of relief supplies. These USAID/OFDA-funded aircraft missions have been hampered to date by poor visibility. USAID/OFDA will provide a total of 460 rolls of plastic sheeting, twenty 10,000-liter water bladders, and 10,000 five-gallon water jugs to Honduras.

The first airlift carrying USAID/OFDA relief supplies arrived at La Ceiba on October 31 and the second arrived at Soto Cano on November 1. A third airlift will deliver the remainder of USAID/OFDA relief supplies to Soto Cano on November 2. On November 1, USAID/OFDA provided $200,000 to the USAID Mission and $400,000 to local PVOs in Honduras for the purchase and delivery of local relief supplies.

Seven USAID/OFDA disaster specialists have been deployed to Honduras to assist in the response to this disaster. A USAID/OFDA/LAC Regional Advisor and consultant arrived in San Pedro Sula on October 27 to assist COPECO's Emergency Operations Center with assessment and response activities. A USAID/OFDA Information Specialist and a Miami-Dade disaster specialist arrived in La Ceiba on October 31 to assist with assessment efforts and reporting requirements. Two additional Miami-Dade personnel arrived in Tegucigalpa on November 1. They will travel to Soto Cano today, where they will meet up with a seventh USAID/OFDA disaster specialist who will coordinate the U.S. DOD aircraft logistics.

Nicaragua: Heavy rains resulting from Mitch continue to cause serious flooding throughout Nicaragua. Rivers in the northern Atlantic coastal areas and in Esteli, Jinotega, Matagalpa, and Chinandega have overflowed their banks, causing serious mudslides. A single mudslide in the northwestern province of Chinandega has increased the Nicaraguan death toll to 1,212, and left over 2,000 people missing from ten communities situated at the base of the Casitas Volcano. The U.S. Embassy in Managua reports that 415,000 people are displaced nationwide. Damage to roads and bridges and to the agricultural sector are significant. The Pan American Health Organization reports that damage to the transportation network equals approximately $16

million. Figures of damage to the agricultural sector have not yet been released.
On October 29, U.S. Ambassador to Nicaragua Lino Gutierrez declared a disaster due to continued flooding. USAID/OFDA responded by immediately providing $25,000 for the local purchase of critical relief supplies, including medicines and food.

USAID/OFDA deployed a Regional Advisor to Nicaragua on October 31 to assist with assessment and response activities. A USAID/OFDA-funded Miami-Dade disaster specialist will arrive in Nicaragua on November 2 to assist with national-level search and rescue operations. On November 2, USAID/OFDA deployed two U.S. DOD Blackhawk helicopters and one Chinook (at a cost of $250,000) to assist with search and rescue efforts and delivery of relief supplies. An airlift of USAID/OFDA relief supplies, consisting of 200 rolls of plastic sheeting, 3,000 polyester blankets, 1,000 wool blankets, ten 10,000-gallon water bladders, and 5,000 five-gallon water jugs, will arrive in Managua on November 3.

Belize: The Government of Belize established an Emergency Operations Center in Belize City to prepare for the storm's arrival and evacuated over 75,000 people from Belize City and the coastal islands to temporary shelters in Belmopan. Despite initial concerns, the hurricane did not directly strike Belize. Nonetheless, heavy rains caused flooding throughout the coastal areas particularly in Belize City. The Government of Belize has granted permission for residents to return to Belize City, however many families continue to remain in Belmopan.

On October 29, U.S. Charge d'Affaires Joel Danies declared a disaster for Belize due to the on-going effects of Hurricane Mitch. In response, USAID/OFDA immediately provided $25,000 for the local purchase of food to be distributed to affected populations in shelters. In addition, USAID/OFDA provided $250,000 in funding for two U.S. DOD Blackhawk helicopters based in Honduras to conduct overflight assessments and possible evacuations. Weather conditions never permitted these aircraft to fly and funding for them has since been shifted to cover air support needs in Nicaragua. A four-person USAID/OFDA assessment team (comprised of a USAID/OFDA/LAC Regional Advisor and three Miami-Dade disaster specialists) arrived in Belize on October 29 and departed on October 31. The team assessed current needs of the evacuated population and reported that food stocks were adequate in Belmopan, but in short supply in Belize City. The team also reported that sanitation and hygiene were poor in all flood-affected areas.

Guatemala: The storm moved northwestard across Guatemala on November 1, causing heavy rains and precipitating flooding. Rivers in the Atlantic and central regions of Guatemala continue to rise. Between 12,000 to 14,000 people are currently seeking safety in shelters. An unconfirmed number of

homes, bridges, and roads have been damaged by flood waters. Officials verify a total of 31 deaths. The national emergency office (CONRED) took steps to evacuate 5,969 people prior to the storm's arrival.

A USAID/OFDA/LAC consultant arrived in Guatemala on October 27 to assist CONRED and to provide regular updates to the USAID Mission and OFDA/LAC regional office in San Jose. On October 31, Ambassador Donald J. Planty declared a disaster for Guatemala. In response, USAID/OFDA provided $25,000 through the U.S. Embassy to Catholic Relief Services for the local purchase of food. USAID/OFDA deployed a Regional Advisor to Guatemala on November 1 to join the USAID/OFDA/LAC consultant in damage assessments and oversight of USAID/OFDA assistance. USAID/OFDA will deliver 90 rolls of plastic sheeting, 3,000 polyester blankets, 2,350 five-gallon water jugs, and three 3,000-gallon water bladders to Guatemala on November 4.

El Salvador: Preliminary reports indicate that 144 people are dead as a result of flash floods in El Salvador. Ambassador Anne W. Patterson declared a disaster in El Salvador on November 1. In response, USAID/OFDA provided $25,000 to provide for the immediate needs of flood victims. In addition, USAID/OFDA will deliver 117 rolls of plastic sheeting, 5,150 polyester blankets, 6,000 five-gallon water jugs, and four 3,000-gallon water bladders on November 4. A Miami-Dade disaster specialist arrived in El Salvador on November 1 to assist a USAID/OFDA/LAC consultant in the coordination of relief operations. The provision of additional USAID/OFDA assistance will be based upon the recommendations of the USAID/OFDA-deployed disaster specialist.

Costa Rica: Heavy rains along the entire Pacific coast of Costa Rica prompted the National Emergency Commission to evacuate at risk populations. The Government of Costa Rica (GOCR) recently granted permission for people to return to their homes. According to GOCR officials, approximately 4,000 people are homeless and seven people are dead as a result of the storm.

On October 23, the U.S. Charge d'Affaires to Costa Rica Richard L. Baltimore III declared a disaster due to severe flooding induced by Hurricane Mitch. USAID/OFDA responded by providing a total of $45,000 to the U.S. Embassy in San Jose. Funds are being used for the rental of local helicopters to assist with overflight assessments and the delivery of food, water, and medicine to affected populations. No additional USAID/OFDA assistance is anticipated. Three USAID/OFDA personnel, including an Information Specialist, deployed to San Jose to help coordinate the regional response.

Mexico: The Mexican Government established plans to evacuate vulnerable coastal areas and the Mexican Red Cross pre-positioned a team of disaster

response specialists in the Yucatan Peninsula in the event that the hurricane struck Mexico. USAID/OFDA/LAC maintains constant communication with USG and Mexican disaster officials, who are monitoring the effects of continued rainfall. USAID/OFDA remains prepared to respond to requests for assistance in Mexico.

USAID/OFDA will continue to closely monitor the situation throughout the Caribbean, maintaining a high level of preparedness and ability to quickly respond to changing needs and situations.

USAID/OFDA Assistance in Honduras:	$1,726,650
USAID/OFDA Assistance in Nicaragua:	$360,000
USAID/OFDA Assistance in Belize:	$25,000
USAID/OFDA Assistance in Guatemala:	$64,172
USAID/OFDA Assistance in El Salvador:	$82,152
USAID/OFDA Assistance in Costa Rica:	$45,000
* USAID/OFDA Assistance to the Region:	$10,000

Total USAID/OFDA Assistance for Hurricane Mitch (to date): $2,312,974

* Region-wide assistance was used for the transportation of USAID/OFDA-deployed personnel.

APPENDIX D-22: USAID/OFDA HURRICANE MITCH FACT SHEET #11

Source: US Agency for International Development (USAID)
Date: 11 Nov 1998

Central America - Hurricane Mitch Fact Sheet #11

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
BUREAU FOR HUMANITARIAN RESPONSE (BHR)
OFFICE OF U.S. FOREIGN DISASTER ASSISTANCE (OFDA)

Background: On October 24 the intensifying Atlantic Tropical Storm Mitch was upgraded to a hurricane that quickly developed into one of the strongest and most damaging hurricanes to ever hit the Caribbean and Central America. At its height on October 26 and 27, the hurricane had sustained winds of 180 mph and dumped heavy rains over Central America. Although the winds diminished as Hurricane Mitch traveled inland over Honduras on October 30, the storm continued to produce torrential rains which caused catastrophic floods and landslides throughout the region. Mitch dissipated over southeastern Mexico after its slow, destructive march north and west across Honduras and Guatemala, but briefly regained tropical storm strength as it moved northeasterly across Mexico's Yucatan Peninsula, the Gulf of Mexico and southern Florida. On November 5 all tropical storm warnings were discontinued as Mitch's remnants tracked out into the Atlantic. Prior to Mitch making landfall, USAID/OFDA pre-positioned assets throughout the region along the storm's forecasted course, and quickly launched its emergency relief efforts as the hurricane passed overland. The USAID/OFDA Disaster Assistance Response Team (DART) was established to coordinate the U.S. Government relief effort for Central America. Senior Regional Advisor and DART leader Paul Bell has managed the DART personnel and its operations in Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua from the USAID/OFDA Regional Office at the U.S. Embassy in San Jose, Costa Rica.

USG Assistance: On November 5, President Clinton announced an assistance package of $70 million for Central America in response to Hurricane Mitch. This funding will provide immediate relief assistance including health and water/sanitation needs, food, shelter, and other emergency relief commodities as well as airlift support and logistics*. USAID/OFDA assistance to date, described below, is part of this overall package, which is being closely coordinated with the U.S. Department of Defense (DOD*).

Honduras: Honduras suffered the brunt of Hurricane Mitch. After being stalled for more than two days off the country's northern coast, the storm traveled inland during October 30 and 31. Extensive wind damage and devastating floods have been reported nationwide, but particularly on the northern seaboard and in the Bay Islands. As of November 9, the Honduran National Emergency Commission (CONEH) reported that

6,546 persons were killed, 6,586 were missing, 1.5 million people were affected, and approximately 1.1 million were displaced. According to the Honduran Military Operations Center (COC) more than 1.6 million people were evacuated from their homes. The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated at least 70,000 houses had been damaged and the Government of Honduras reported 170 bridges had been damaged or destroyed. Damage to the nation's infrastructure isolated entire communities which made access by emergency aid workers extremely difficult and it hampered efforts to supply the larger cities with food, water and other essentials. Additionally, press reports state that nearly 70 percent of crops were destroyed by Hurricane Mitch.

On October 27, the U.S. Ambassador to Honduras James F. Creagan declared a disaster due to the effects of Hurricane Mitch. USAID/OFDA responded immediately by providing a total of $125,000 to the USAID Mission in Honduras for the local purchase and transport of critical relief supplies, including food, simple cooking stoves, blankets, and medical supplies. USAID/OFDA also provided a total of $750,000 for the deployment of (DOD) aircraft to assist in overflight assessments, search and rescue operations, and delivery of relief supplies. Initially grounded by poor visibility, the USAID/OFDA-funded aircraft missions have been operating since November 1. Currently 11 UH-60 Blackhawk, 2 MH-60 Blackhawk and 4 CH-47 Chinook helicopters, and 2 C-27 and 2 C-130 cargo planes are distributing relief supplies from La Ceiba and from Soto Cano airbase. USAID/OFDA has deployed a total of 838 rolls of plastic sheeting, twenty 10,000-liter water bladders, 25,500 five-gallon water jugs, and 1,004 body bags to Honduras at a total estimated cost of $434,609 including transport. The first airlift carrying USAID/OFDA relief supplies arrived at La Ceiba on October 31, the second arrived at Soto Cano airbase on November 1, the airlift arrived at Soto Cano on November 2, and the fourth arrived at Soto Cano on November 9. Supplemental relief commodities were transported by DOD on November 9 and 10. To date, USAID/OFDA has provided $400,000 to the USAID Mission for the local purchase of food and emergency supplies, and for other response activities. Additionally, USAID/OFDA has provided $800,000 to the USAID Mission, which will grant funding to resident PVOs in Honduras for the purchase and delivery of local relief supplies. USAID/OFDA has also purchased and airlifted plastic food storage bags from Costa Rica that will allow for the distribution of critical food stocks to 100,000 families in Honduras. USAID/OFDA has provided $2 million to USAID/Tegucigalpa to fund projects to repair the nation's water supply system.

USAID/OFDA has had disaster specialists on the ground in Honduras since October 27. Disaster specialists from USAID, Miami-Dade County Fire Rescue Department (Miami-Dade), and the U.S. Forest Service (USFS) have established a presence in Tegucigalpa, San Pedro Sula, La Ceiba and at Soto Cano airbase. USAID/OFDA personnel in Honduras have assisted CONEH's Emergency Operations Center, conducted field assessments, coordinated aircraft and transport logistics, and performed other disaster relief activities. Currently there are twelve USAID/OFDA DART members operating in Honduras.

Nicaragua: Mitch inflicted its greatest damage in Nicaragua through severe rains that caused extensive flooding and landslides. As of November 10, the Nicaraguan National

Defense System estimated that 2,055 people had died and 1,084 were missing, many as a result of a large mudslide that inundated ten communities situated at the base of the Casitas Volcano, and that 807,480 people were affected nationwide. A Nicaraguan transportation official reports that 71 bridges are either destroyed or heavily damaged, and OCHA estimated that 70% of roads were impassable immediately after the storm.

On October 29, U.S. Ambassador to Nicaragua Lino Gutierrez declared a disaster due to continued flooding. USAID/OFDA has provided $125,000 for the local purchase and transport of critical relief supplies, including medicines, food and shelter material. On November 2, USAID/OFDA provided $250,000 for the deployment of two U.S. DOD UH-60 and one CH-47 helicopters to assist with search and rescue efforts and the delivery of relief supplies. Currently 5 UH-60 and 1 CH-47 helicopters are distributing relief supplies to 50 communities nationwide. Airlifts of USAID/OFDA relief supplies, consisting of 479 rolls of plastic sheeting, 10,000 polyester blankets, 4,000 wool blankets, three 10,000-gallon water bladders, and 10,500 five-gallon water jugs, at a total estimated cost of $350,137 including transport. The first airlift arrived in Managua on November 4 and a second on November 8.

USAID/OFDA has operated in Nicaragua since October 29. The DART personnel from USAID, Miami-Dade, and DOD have conducted assessments, assisted national search and rescue operations, and performed other response activities. Currently eight USAID/OFDA DART members are posted in Nicaragua.

Guatemala: The storm moved northwestward across Guatemala on November 1, causing heavy rains and severe flooding. The national emergency office (CONRED) took steps to evacuate 5,969 people prior to the storm's arrival. The Red Cross estimated that 27,000 people were still housed in shelters as of November 4. As of November 9, officials reported a total of 258 deaths and 120 people missing in Guatemala, while 723,581 people were still at risk. OCHA reported that 347 homes, 21 bridges, and 30 roads have been severely damaged or destroyed by flood waters, and that nearly 900,000 people remain at risk.

USAID/OFDA disaster relief personnel have operated in Guatemala since October 27. They have assisted CONRED in coordinating the national relief effort, and have conducting damage assessments and oversight of USAID/OFDA assistance. Currently there are five USAID/OFDA DART members posted in Guatemala.

On October 31, Ambassador Donald J. Planty declared a disaster for Guatemala. In response, USAID/OFDA provided $25,000 through the U.S. Embassy to Catholic Relief Services for the local purchase of food. USAID/OFDA has delivered 290 rolls of plastic sheeting, 3,000 polyester blankets, 7,350 five-gallon water jugs, and four 3,000-gallon water bladders to Guatemala, at a total estimated cost of $182,013 including transport. The first airlift arrived in Guatemala City on November 4, and the second on November 9. USAID/OFDA has also provided $ 50,000 for the rental of local helicopters to deliver relief supplies. Six DOD UH-60 helicopters are operating in Guatemala to facilitate relief efforts.

El Salvador: As of November 9, the National Emergency Committee (NEC) of El Salvador reported that 239 deaths and 135 people missing as a result of flash floods, and the Red Cross estimated that 400 people had died and 600 were missing. OCHA reported heavy infrastructural damage to bridges, roads, and electric and telephone lines in eastern and central El Salvador. Ambassador Anne W. Patterson declared a disaster in El Salvador on November 1. In response, USAID/OFDA provided $25,000 for the immediate needs of flood victims. In addition, on November 5 USAID/OFDA airlifted 117 rolls of plastic sheeting, 5,150 polyester blankets, 6,000 five-gallon water jugs, and four 3,000-gallon water bladders, at a total estimated cost of $98,451 including transport. A Miami-Dade disaster specialist was in El Salvador November 1-5 to assist USAID/OFDA/LAC in coordinating initial relief operations. Currently one USAID/OFDA DART member is in San Salvador to assist in the ongoing assessment of relief needs and priorities. The DART in El Salvador will be augmented with another disaster specialist before the weekend.

Belize: The Government of Belize established an Emergency Operations Center in Belize City to prepare for the storm's arrival and evacuated over 75,000 people from Belize City and the coastal islands to temporary shelters in Belmopan. Contrary to initial forecasts, the hurricane did not directly strike Belize. Nonetheless, heavy rains caused flooding throughout the coastal areas, particularly in Belize City. The Government of Belize has since granted permission for residents to return to Belize City, however according to the Red Cross thousands had opted to remain in emergency shelters long afterward. On October 29, U.S. Charge d'Affaires Joel Danies declared a disaster for Belize due to the impacts of Hurricane Mitch. In response, USAID/OFDA immediately provided $25,000 for the local purchase of food for distribution to displaced populations inhabiting emergency shelters. In addition, USAID/OFDA provided funding for two U.S. DOD Blackhawk helicopters based in Honduras to conduct overflight assessments and evacuations. Weather conditions during the storm's peak never permitted these aircraft to fly and as Hurricane Mitch turned and tracked away from Belize the helicopters were deployed to support emergency logistics requirements in Nicaragua. A four-person USAID/OFDA assessment team (comprised of a USAID/OFDA/LAC Regional Advisor and three Miami-Dade disaster specialists) was in Belize from October 29 to October 31. The team assessed needs of the evacuated population and reported that food stocks were adequate in Belmopan, but in short supply at Belize City. The team also reported that sanitation and hygiene were poor in all flood-affected areas.

Costa Rica: Heavy rains along the entire Pacific coast of Costa Rica prompted the National Emergency Commission to evacuate at-risk populations. The Government of Costa Rica (GOCR) has since granted permission for people to return to their homes although approximately 1,700 people remain in temporary shelters up to a week after the storm had passed. Four people are reported dead as a result of the storm while four are still missing. On October 23, the U.S. Charge d'Affaires to Costa Rica Richard L. Baltimore III declared a disaster due to severe flooding caused by Hurricane Mitch. USAID/OFDA responded by providing a total of $45,000 to the U.S. Embassy in San Jose. Funds were used to rent local helicopters to provide overflight assessments and the delivery of food, water, and medicine to affected populations. No additional

USAID/OFDA assistance is anticipated for Costa Rica. Currently there are five USAID/OFDA DART personnel stationed at the DART Headquarters in San Jose to coordinate the disaster response in the region.

Region: USAID/OFDA has provided $500,000 to the Pan American Health Organization (PAHO) to address emergency water and sanitation needs of victims of Hurricane Mitch. USAID/OFDA has also provided $160,000 to the U.S. Embassy in San Jose for the regional deployment of emergency supplies and personnel.

USAID/OFDA Assistance in Honduras:	$4,509,609
USAID/OFDA Assistance in Nicaragua:	$725,137
USAID/OFDA Assistance in Guatemala:	$257,013
USAID/OFDA Assistance in El Salvador:	$123,451
USAID/OFDA Assistance in Costa Rica:	$45,000
USAID/OFDA Assistance in Belize:	$25,000
USAID/OFDA Assistance to the Region:	$660,000

Total USAID/OFDA Assistance for Hurricane Mitch (to date): $6,345,210

PUBLIC DONATION INFORMATION FOR VICTIMS OF HURRICANE MITCH

Disasters often generate an outpouring of interest and concern by the American people which lead to spontaneous collections of relief supplies, i.e. food, clothing, medical supplies etc. In the interest of effective coordination of such public response we encourage concerned citizens to provide monetary donations to appropriate organizations.

As transportation of relief supplies is limited by capacity, infrastructure damage and continuing weather constraints, it is difficult to move supplies into the affected countries. *Unsolicited commodity donations often place an unnecessary burden on relief workers and local governments to store, transport and distribute supplies to those affected populations in need. This can also detract from the provision of more urgently needed relief assistance. USAID/OFDA can not provide assistance for the transport of donated goods.*

USAID encourages the public to contact directly those private voluntary organizations (PVOs) who are currently working in, or with local affiliates, in Guatemala, Honduras, Nicaragua, Belize, Costa Rica and El Salvador to provide monetary donations. A list of PVOs may be obtained by contacting InterAction directly at 202-667-8227 x 106, or via the internet at www.interaction.org. Those interested in providing specific relief services or supplies should contact Volunteers in Technical Assistance (VITA) for information and guidelines. VITA can be reached at 703-276-1914, or via the internet at www.vita.org.

APPENDIX D-23: USAID/OFDA HURRICANE MITCH FACT SHEET #22

Source: US Agency for International Development (USAID)
Date: 23 Dec 1998

Central America - Hurricane Mitch Fact Sheet # 22

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
BUREAU FOR HUMANITARIAN RESPONSE (BHR)
OFFICE OF U.S. FOREIGN DISASTER ASSISTANCE (OFDA)

Transition from Emergency Response to Reconstruction and Rehabilitation: In light of diminishing emergency relief requirements in Central America, USAID is transitioning from critical emergency relief assistance to focus on longer-term rehabilitation, reconstruction and development initiatives. The USAID/OFDA regional office in San Jose, Costa Rica will continue to monitor and support on-going relief activities in response to Hurricane Mitch, as appropriate. The USAID Bureau for Latin America and the Caribbean will implement the long-term reconstruction, rehabilitation and development initiatives. Specific reconstruction assessments and requirements in the areas of public health, economic reactivation, social infrastructure, transportation, housing and shelter, public services and environment are being reviewed. Possible U.S. and other donor inputs into the reconstruction effort are being coordinated with each country.

This will be the final USAID/OFDA Fact Sheet on Hurricane Mitch.

Background: Tropical Storm Mitch was one of the strongest and most damaging storms to ever hit the Caribbean and Central America. At its height on October 26 and 27, the hurricane had sustained winds of 180 mph and dumped heavy rains over Central America. Prior to Mitch making landfall, USAID/OFDA pre-positioned assets throughout the region along the storm's forecasted course, and quickly launched its emergency relief efforts as the hurricane passed overland. A USAID/OFDA Disaster Assistance Response Team (DART) was established to coordinate the U.S. Government relief effort. Senior Regional Advisor and DART leader Paul Bell has managed the DART personnel and its operations in Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua from the USAID/OFDA Regional Office in San Jose, Costa Rica.

USG Assistance: The U.S. Government (USG) assistance package for Central America in response to Hurricane Mitch totals $300 million. These funds have been, or are to be channeled through the following offices and agencies:

- USAID/OFDA: $30 million
- USAID/Food for Peace (FFP): $52 million
- Department of Defense (DOD): $150 million

- U.S. Department of Agriculture (USDA): $63 million
- Development/Micro-credit assistance: $5 million

USAID assistance will provide immediate disaster relief, including health and water/sanitation needs, food, shelter, and other emergency relief commodities. Summary of USAID/OFDA Funding Assistance in Response to Hurricane Mitch:

- USAID/OFDA Assistance in Honduras: $9,895,999
- USAID/OFDA Assistance in Nicaragua: $4,844,267
- USAID/OFDA Assistance in Guatemala: $1,257,013
- USAID/OFDA Assistance in El Salvador: $1,123,451
- USAID/OFDA Assistance in Costa Rica: $45,000
- USAID/OFDA Assistance in Belize: $25,000
- USAID/OFDA Assistance to Region-wide Responses: $11,660,000
- **Total USAID/OFDA Assistance for Hurricane Mitch (to date): $28,850,730**

Honduras: Honduras suffered the brunt of Hurricane Mitch. After being stalled for more than two days off the country's northern coast, the storm traveled inland on October 30 and 31. Extensive wind damage and devastating floods occurred nationwide, particularly along the northern seaboard and in the Bay Islands. As of December 1, the National Emergency Committee of Honduras (CONEH) reported that 5,657 persons were killed, 8,052 were missing, 11,762 were injured while approximately 1.9 million were affected.

Disaster Assessment Summary: The destruction to the country's road network and coastal ports was extensive. USAID/OFDA DART estimated that more than 92 bridges were destroyed and 75 were damaged by the storm. The crippling of the nation's infrastructure isolated entire communities, made access by emergency aid workers extremely difficult, and hampered efforts to supply the larger cities with food, water and other essentials.

Thousands of homes were also affected by high winds and flooding. The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated at least 70,000 houses had been damaged by Hurricane Mitch. The Government of Honduras estimates that some 2.1 million were forced to temporarily evacuate their homes in the storm's wake. The vast majority of those have returned, but thousands still remain in temporary shelters.

Hurricane Mitch had a severe impact on food security. Initial reports estimated that nearly 2 million people were in immediate need of food assistance. Emergency food aid was most critical during the first few weeks of the disaster response, but a large segment of the population will continue to require food assistance for the next several months. USAID/FFP is providing 60,000MT of food aid, valued at $35 million, to meet the needs of an average of 800,000 people through August 1999.

Hurricane Mitch had a negative impact on the agricultural sector as well. Cash crops

were most severely affected, with the banana industry losing an estimated 90% of its plants. Staple crops, by comparison, sustained less damage as they are generally grown on higher ground. As a result, there is an ample supply of food in the local markets. Acute food shortages requiring emergency relief were due more to lack of access to markets than to lack of adequate food stocks.

Hurricane Mitch caused serious health problems, due largely to lack of potable water, contamination of water sources, and the presence of stagnant pools that serve as breeding grounds for disease vectors. OCHA estimated that 80% of the domestic water distribution systems were damaged. Between November 1 and November 28 the Honduran Ministry of Health reported 18 confirmed cases of cholera; 1,908 cases of malaria; 6 cases of leptospirosis; 1,165 cases of dengue and 49 cases of hemorrhagic dengue.

Immediate USAID/OFDA Response: On October 27, the U.S. Ambassador to Honduras James F. Creagan declared a disaster due to the impacts of Hurricane Mitch. On that same date, USAID/OFDA DART was established and USAID/OFDA response activities began. A total of fifteen disaster specialists operated in Honduras, and one DART member continues to visit Honduras intermittently to monitor humanitarian assistance needs and USAID/OFDA-funded programs. In response to DART assessments and recommendations, USAID/OFDA has funded the following activities in Honduras:

USAID/OFDA Assistance to Honduras:

- Funding to COPECO for purchase of relief supplies (food, blankets, etc.): $125,000
- 1,038 rolls of plastic sheeting; 32 10,000-liter water bladders; 25,500 five-gallon water jugs; and 1,004 body bags: $311,909
- Airlift of relief commodities: $212,090
- Funding for DoD aircraft for overflight assessments, transport of relief items, and search and rescue activities: $750,000
- Grant to PVOs for immediate purchase and distribution of relief supplies: $800,000
- Mission Allowances for purchase and distribution of relief supplies: $400,000
- Grants to SANAA and FHIS for water system repairs: $2,000,000
- Grant to CARE for disaster relief projects: $2,133,000
- Grants to PVOs for transitional disaster relief projects: $3,164,000
- **Total USAID/OFDA Funding in Honduras (to date): $9,895,999**

Nicaragua: Mitch inflicted its greatest damage in Nicaragua through severe rains that caused extensive flooding and landslides. As of November 19, the Nicaraguan National Emergency Commission (NEC) estimated that 2,863 people had died, 884 were missing, and 867,752 were affected as a result of the disaster, many after a large mudslide inundated ten communities situated at the base of the Casitas Volcano. The NEC estimates that total economic losses were $400 million in housing, $605 million in

the transportation network, $185 million in other infrastructure and $170 million in agriculture.

Disaster Assessment Summary: As of November 24, the NEC reported that 33 bridges were destroyed and 86 were damaged. OCHA estimated that 70% of roads were impassable immediately after the storm, and the Government of Nicaragua (GON) estimated that 8,000 kilometers of roadway were damaged. During the initial phase of the disaster response air transport was the only means to transport emergency relief supplies, including both food and non-food items.

On November 19, the GON estimated that 31,750 houses were destroyed and 113,950 were damaged. On November 24, the NEC reported that of the 368,261 persons were still displaced and 65,271 remained housed in 304 emergency shelters.

Hurricane Mitch also had a severe impact on food security and the agricultural sector in Nicaragua. Emergency food aid needs were most critical during the first few weeks of the response as hundreds of thousands were temporarily displaced from their homes. An estimated 800,000 people needed immediate food aid. USAID/FFP is providing 19,700MT of food aid valued at $12 million to help meet the needs of 400,000 people for six months.

In addition, Mitch had a devastating impact on the agricultural sector in Nicaragua. The storm hit during the second, and largest, harvest season when most of the beans and vegetables are planted, and just before the third planting season for basic grains. The rains and flooding not only reduced the harvest of food crops, they also destroyed much of the seed stock. Floods also damaged soil and water conservation works, fences, seed beds, storage facilities, wells and irrigation structures. The GON estimates that this sector suffered $170 million in losses.

Mitch caused serious losses to the internal health, water and sanitation infrastructures in Nicaragua. According to NEC, 11 health centers were destroyed and 72 were damaged. Further, the GON reported that 416 health posts were damaged. The loss of infrastructure combined with the presence of stagnate water generated favorable conditions for gastrointestinal and respiratory ailments, and the increase of vector-borne diseases. Furthermore, flood waters and sewage contaminated water sources in many areas, which created a lack of potable water. On November 30, PAHO continued to report epidemics in Nicaragua for the following diseases: cholera, leptospirosis and dengue. For the period of November 1 to November 28, the Nicaraguan Ministry of Health reported 380 suspected cases of cholera; 2,723 cases of malaria; 523 cases of leptospirosis; and 1,244 cases of dengue.

Immediate USAID/OFDA Response: On October 29, U.S. Ambassador to Nicaragua Lino Gutierrez declared a disaster due to the catastrophic flooding. On that same date, USAID/OFDA DART was established and USAID/OFDA response activities began. A total of eleven disaster response specialists operated in Nicaragua and one DART member remains in-country. That member is scheduled to depart on or about December 19. 6 In response to DART assessments and recommendations, USAID/OFDA has funded the following activities in Nicaragua:

USAID/OFDA Assistance to Nicaragua:

- Ambassador Assistance Authority for purchase/transport of relief supplies: $25,000
- Funding for DOD helicopters for search and rescue activities, and transport of emergency supplies: $250,000
- 279 rolls of plastic sheeting; 15,500 five-gallon water jugs; three 10,000-liter water bladder; 4,000 wool blankets; 10,000 polyester blankets: $229,287
- Airlift of relief commodities: $189,980
- USAID/Mission Allowances for local purchase and transport of relief supplies: $150,000
- Grants to PVOs for disaster relief projects: $4,000,000
- **Total USAID/OFDA Funding in Nicaragua (to date): $4,844,267**

Guatemala: The storm moved north and west across Guatemala on November 1, causing heavy rains and severe flooding. As of November 9, officials reported a total of 258 deaths and 120 people missing in Guatemala.

Disaster Assessment Summary: The Guatemalan emergency response agency (CONRED) evacuated 5,969 people from vulnerable areas prior to the storm's arrival. CONRED reported that 1,797 homes were destroyed and a further 17,188 were heavily damaged by Hurricane Mitch. After the storm's arrival, a total of 106,954 people were temporarily evacuated from their homes and the Red Cross estimated that 27,000 people were still housed in shelters as of November 4. Although people are beginning to return home, many still occupy the temporary housing.

The most recent reporting from OCHA indicated that 32 bridges and 40 roads had been severely damaged or destroyed by Hurricane Mitch's flood waters. In the early days of the disaster response, air transport was the only means to transport emergency relief supplies, including both food and non-food items. However, by November 25, all major roads in Guatemala were open and the major highway linking the Atlantic and Pacific coasts was operable.

On November 5, the U.S. Embassy estimated that 95% of the nation's banana crop was damaged, 25-60% of the corn, bean, coffee, and sugar crops were destroyed, and 30% of the cattle herd was lost. This placed a heavy burden on those who rely on subsistence crops for their food. Over the next three months, about 65,000 people will require food assistance. USAID/FFP is providing 7,640MT of food aid valued at $5 million to help meet this need.

Hurricane Mitch caused serious damage and contamination to potable water sources and water delivery systems in many areas of Guatemala. As a result, the incidence of water-borne diseases increased in the wake of the disaster. Additionally, stagnate pools of flood water served as breeding grounds for vectors, leading to an increase in the incidence of vector-borne diseases. PAHO and the Guatemalan Ministry of Health

report 1,941 suspected cases of cholera and five confirmed cases of leptospirosis. In addition, a rise in the incidence of dengue is being reported. No hemorrhagic dengue is reported.

Immediate USAID/OFDA Response: USAID/OFDA pre-positioned disaster relief personnel in Guatemala on October 27, and a total of five DART members operated in the country until December 11. On October 31, Ambassador Donald J. Planty declared a disaster for Guatemala, and USAID/OFDA response activities began immediately. In response to DART assessments and recommendations, USAID/OFDA has funded the following activities in Guatemala:

USAID/OFDA Assistance to Guatemala:

- Ambassador Assistance Authority for purchase/transport of food through CRS: $25,000
- 290 rolls of plastic sheeting, 7,350 five-gallon water jugs, four 3,000-gallon water tanks, 3,000 polyester blankets: $89,513
- Airlift of relief commodities: $92,500
- Rental of local helicopters for aerial assessments: $50,000
- Grants to PVOs for disaster relief transition projects: $1,000,000
- **Total USAID/OFDA Assistance to Guatemala (to date): $1,257,013**

El Salvador: Hurricane Mitch struck El Salvador on the night of October 30, bringing with it high winds and torrential rains. Heavy rains continued through November 1 causing floods and landslides, particularly in the country's eastern lowlands. As of November 13, the National Emergency Committee of El Salvador (COEN) reported 240 deaths and 84,000 people affected. The departments of Usulatan and San Miguel were the areas most severely impacted.

Disaster Assessment Summary: As of November 6, the Government of El Salvador estimated that 55,864 people had been displaced by Hurricane Mitch and had occupied 107 emergency shelters. The USAID/OFDA DART estimated that 1,000 houses were destroyed. In addition, COEN reports that 10,372 homes were damaged. By November 24, the DART estimated that 99 percent of those forced to evacuate during the flooding had returned to their homes.

Damage to infrastructure in El Salvador was relatively slight compared to what was experienced in Honduras, Nicaragua and Guatemala. COEN reported that 10 bridges, 1,308 km of paved road and 2,665 km of unpaved road were damaged. In the first few days of the response, air support was necessary to conduct reconnaissance and assessments of flood-affected areas. Currently, all major roads in El Salvador are open and relief supplies can easily be distributed by land.

Agriculture was among the most severely affected sectors in El Salvador. Losses in food crops vary from 20 percent of the corn crop to 100 percent of the bean crop in some areas. Additionally, some 23,000 domestic farm animals were killed, primarily poultry. The most significant losses were suffered by small landholders.

Mitch caused losses to the internal health, water and sanitation infrastructures in El Salvador. According to COEN, 15 health centers were damaged. Water service was also interrupted in many areas, as water systems suffered damage to their pumping stations and spring intakes. Furthermore, water wells were contaminated by flooding because well covers were not an established practice. Thus, the lack of potable water and sanitation are major concerns. This infrastructure damage, combined with the presence of stagnate flood water, have generated favorable conditions for gastrointestinal and respiratory diseases, and the increase in vector-borne diseases. Furthermore, flood waters and sewage have contaminated water sources in affected areas. Nevertheless, as of November 30, PAHO reported only eight cases of cholera in El Salvador.

Immediate USAID/OFDA Response: Ambassador Anne W. Patterson declared a disaster in El Salvador on November 1. On that same date, USAID/OFDA DART was established and USAID/OFDA response activities began. A total of four USAID/OFDA DART members were posted in San Salvador, the last member departing on December 11. In response to DART assessments and recommendations, USAID/OFDA has funded the following activities in El Salvador:

USAID/OFDA Assistance to El Salvador:

- Ambassador Assistance Authority for purchase/transport of relief commodities: $25,000
- 117 rolls of plastic sheeting, 6,000 five-gallon water jugs, four 3,000-gallon water storage tanks, 5,150 polyester blankets: $68,451
- Airlift of relief commodities: $30,000
- Grants to PVOs for disaster relief transition projects: $1,000,000
- **Total USAID/OFDA Assistance to El Salvador (to date): $1,123,451**

Region-wide Responses: In addition to assistance provided relief activities in specific countries affected by Hurricane Mitch, USAID/OFDA has provided significant funding to support various regional disaster response efforts. Funding details for regional responses are as follows:

USAID/OFDA Region-wide Responses:

- Grant to PAHO for health, water and sanitation activities: $2,000,000
- Funding for DOD helicopters for transport of emergency supplies: $4,000,000
- Funding to DOD for reconstruction activities, including the purchase of materials and supplies: $5,000,000
- Funding to CIAT for seed multiplication in Nicaragua and Honduras: $500,000
- Funding to OFDA/LAC for administrative costs and travel: $160,000
- Total USAID/OFDA Assistance to Region-wide Responses (to date): $11,660,000

Belize: The Government of Belize established an Emergency Operations Center to

prepare for the storm's arrival and evacuated over 75,000 people from Belize City and the coastal islands to temporary shelters in Belmopan. Contrary to initial forecasts, the hurricane did not directly strike Belize. Nonetheless, heavy rains caused flooding throughout the coastal areas, particularly in Belize City. The Government of Belize has since granted permission for residents to return to Belize City, however according to the Red Cross thousands had opted to remain in emergency shelters long afterward.

Immediate USAID/OFDA Response: On October 29, U.S. Charge d'Affaires Joel Danies declared a disaster for Belize due to the impacts of Hurricane Mitch. In response, USAID/OFDA immediately provided $25,000 for the local purchase of food for distribution to displaced populations inhabiting emergency shelters. In addition, USAID/OFDA provided funding for two DOD Black Hawk helicopters based in Honduras to conduct overflight assessments and evacuations. Weather conditions during the storm's peak never permitted these aircraft to fly and as Hurricane Mitch turned and tracked away from Belize the helicopters were deployed to support emergency logistics requirements in Nicaragua. A four-person USAID/OFDA assessment team was in Belize from October 29 to October 31. The team assessed needs of the evacuated population and reported that food stocks were adequate in Belmopan, but in short supply at Belize City. The team also reported that sanitation and hygiene were poor in all flood-affected areas. No additional USAID/OFDA assistance is anticipated for Belize.

Costa Rica: Heavy rains along the entire Pacific coast of Costa Rica prompted the National Emergency Commission to evacuate at-risk populations. Four people are reported dead as a result of the storm while four are still missing.

Immediate USAID/OFDA Response: On October 23, the U.S. Charge d'Affaires to Costa Rica Richard L. Baltimore III declared a disaster due to severe flooding caused by Hurricane Mitch. USAID/OFDA responded by providing a total of $45,000 to the U.S. Embassy in San Jose. Funds were used to rent local helicopters to provide overflight assessments and the delivery of food, water, and medicine to affected populations. No additional USAID/OFDA assistanc is anticipated for Costa Rica.

APPENDIX E-1: JTF AGUILA POLICY LETTER #4, FORCE PROTECTION

DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE AGUILA
APO AA 34023-0008

JTFA-C 3 January 1999

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #4, Force Protection.

1. Purpose. To establish policy for the implementation of minimum Protection Posture (FPP) levels, corresponding THREATCON measures, and periodic force protection inspections.

2. Applicability. This policy applies to all military and civilian personnel assigned, attached, performing duties with, or under the command or administrative control of JTF Aguila while in the countries of El Salvador, Nicaragua, and Guatemala.

3. Force Protection remains the number one priority for JTF- Aguila. Nothing we do is worth serious injury or the loss of life.

4. Country Task Force Commanders will evaluate the current threat to U.S. forces in their operational area, implement the appropriate force protection measures to counter that threat, periodically inspect their force protection program, and advise the JTF headquarters of actions taken.

5. The minimum measures that will be implemented for each FFP level are at Encl 1.

6. Measures corresponding to THREATCON level ALPHA+ are at Encl 2.

7. Inspections will be conducted IAW the checklist at Encl 3.

8. All requests to implement FFP levels three through five or to increase the THREATCON level will be submitted to the Commander, JTF Aguila.

9. Exceptions to this policy will be granted on a case by case basis and will be approved by the Commander, JTF-Aguila. Address questions to the JTF Aguila Force Protection Cell at 577-315.77.

Encl
as

VIRGIL L. PACKETT II
Colonel, JTF Aguila
Commanding

DISTRIBUTION: A

JTFA-C
SUBJECT- Enclosure 2 (THREATCON ALPHA+) to Policy Letter #4, Force Protection.

1. PURPOSE: To describe in detail the THREATCON measures currently in effect.

2. APPLICABILITY: This information applies to all military and civilian personnel assigned, attached, performing duties with, or under the command or administrative control of JTF Aguila while in the countries of El Salvador, Nicaragua, and Guatemala.

3. ASSUMPTION: THREATCON Alpha+ equates to all measures listed under THREATCON Alpha with selected measures listed under THREATCON Bravo.

4. GENERAL:

a. THREATCON Alpha applies when there is general threat of possible terrorist activity against personnel and facilities, the nature and extent of which are unpredictable, and circumstances do not justify full implementation of THREATCON Bravo measures. The measures in this THREATCON must be capable of being maintained indefinitely.

b. TF Commanders have primary responsibility for providing and coordinating overall security during THREATCON Alpha operations.

c. TIHREATCON Alpha includes the following measures.

(1) At regular intervals, remind all personnel to be suspicious and inquisitive about strangers, particularly those carrying suitcases or other containers. Watch for unidentified vehicles on or in the vicinity of U.S. facilities. Watch for abandoned parcels or suitcases and any unusual activity.

(2) Key personnel with access to buildings and plans for area evacuations must be available at all times. Key personnel should be able to seal off an area immediately. Key personnel required to implement security plans should be on call and readily available.

(3) Secure buildings, rooms and storage areas not in regular use.

(4) Increase security spot checks of vehicles and persons entering the installation and areas under the jurisdiction of the U.S. command.

(5) Coordinate with host nation security forces to limit access points for vehicles and personnel into U.S. areas, commensurate with a reasonable flow of traffic.

(6) As a deterrent, apply selective measures of THREATCON Bravo either individually or in combination with each other.

(7) Review all plans, orders, personnel details and logistics requirements related to the introduction of higher THREATCONs.

(8) Review and implement security measures for high-risk personnel as appropriate.

(9) As appropriate, consult host nation authorities on the threat and mutual anti-terrorism measures.

(10) To be determined.

d. The following measures from THREATCON Bravo have also been implemented.

(1) As appropriate, consult host nation authorities on the threat and mutual anti-terrorism measures.

(2) Conduct continuous coordination/liaison with the U.S. Embassy, U.S. Military Group (MILGP), the host nation military and U.S. Southern Command Intelligence/Security elements.

(3) Advise CJTF-Aguila daily of the threats to all forces assigned or attached to JTF-Aguila.

(4) Brief all personnel on the Rules of Engagement in use in the JOA.

(5) 24 hour host nation access control.

JTFA-C
SUBJECT: Enclosure 3 (Checklist) to Policy Letter #4, Force Protection.

FORCE PROTECTION INSPECTION CHECKLIST

Force Protection Planning	**Yes**	**No**	**N/A**

1. Are the following references on hand?

a. DOD Directive 2000.12, Combatting Terrorism Program, 15 Sep 96.
b. Joint Pub, 3-07.2, JTTP for Antiterrorism, 25 Jun 93.
c. Joint Pub 3-10. 1, JTTP for Base Defense, 15 Mar 93.
d. JTF Aguila Policy Letter #2, Vehicle Movement outside the Designated Compound of Comalapa Air Ease, El Salvador, 18 Dec 98.
e. JTF Aguila Policy Letter #3, SOP for Storage of Weapons and Ammunition, 23 Dec 98.
f. TF Policy Letter #4, Force Protection, 5 Jan 1999.
g. JTF Aguila Memorandum, Force Protection Intelligence and incidents Reporting, 26 Dec 98.
h. JTF Aguila Memorandum, Off Limits Areas on Comalapa Air Base, 5 Jan 99.
i. JTF Aguila Force Protection Plan, 12 Dec 98
j. OPORD 6150-98, Operation Fuerzas Apoyando

2. Does the organization have a force protection plan?

3. Does the force protection plan include the following

a. Personal security measures.
b. Convoy security measures.

c. Force protection posture matrix.
d. Incident reporting procedures.
e. Rules of engagement.

4. Have the following contingencies been planned for?

a. QRF procedures.
b. Vehicle accident procedures.
c. MEDEVAC procedures (ground and air).
d. Mass casualty procedures.
e. Death of a servicemember.
f. Downed aircraft procedures.
g. UXO procedures.
h. Bomb threat / mail bomb procedures.
i. Notifications roster.

5. Is there a Force Protection Officer appointed on orders?

6. Has the organization established a weekly Force Protection Working Group?

7. Does the organization have a Crisis Action Team?

8. Does it have proper staff representation and has it met within the last 90 days?

9. Have force protection measures been coordinated with the host nation military and the U.S. MILGRP?

10. Is there a mutual understanding with the host nation military regarding authority, jurisdiction, and possible interaction in the event of a crisis?

11. Has training been conducted on force protection contingencies?

12. Has a prioritized list of Mission Essential Vulnerable Areas (MEVAs) been established?

13. Is there a plan of action and have milestones been established for addressing vulnerable areas?

Force Protection Operations and Procedures

14. Do all members of the organization receive periodic force protection briefings?

15. Are procedures in place to limit access to the installation?

16. Does the organization provide threat information briefings to all personnel leaving the installation?

17. Has an off limits policy been established?

18. Are all personnel required to sign out and sign in when leaving and returning to the installation?

19. Are authorizations required for servicemembers leaving the installation?

20. Is the two vehicle rule being adhered to?

21. Are all servicemembers required to be in uniform when off the installation?

22. Are all personnel returning to the installation before the hours of darkness?

23. Are armed host nation escorts accompanying every convoy?

24. Is the organization adhering to the commander's guidance on the storage of AA&E?

25. Are all measures in effect for the current THREATCON?

26. Does the organization have the resources to implement the next higher FPP level?

27. Are all measures in effect for the current Force Protection Posture (FPP)?

28. Does the organization have the resources to implement the next higher FPP level?

Threat Information Collection, Dissemination, and Reporting

29. Is there documentation showing that all servicemembers received a threat awareness briefing?

30. Do procedures exist to allow for the timely reporting and dissemination of threat information both during and after duty hours?

31. Has the collection, dissemination, and reporting of terrorist information been reviewed by the Commander in the last year?

32. Is the threat assessment current?

33. Does the organization receive recurring threat updates?

34. Are efforts in place to collect all available information?

35. Are written intelligence summaries being submitted at 1400 daily to the JTF-A/J2?

Additional Comments:

APPENDIX E-2: US SOUTHCOM HUMAN RIGHTS POLICY AND PROCEDURES

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

REPLY TO THE ATTN OF
Administration

*SC Regulation 1-20 — 1 July 1998
Effective Upon Receipt

HUMAN RIGHTS POLICY AND PROCEDURES

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1. PURPOSE. This regulation establishes United States Southern Command (USSOUTHCOM) Human Rights policies and procedures for all U.S. Department of Defense (military or civilian) personnel permanently or temporarily assigned to the USSOUTHCOM area of responsibility (AOR). It also assigns responsibilities to Component Commanders, Military Group (MILGRP) Commanders or U.S. Defense Representatives in allied nations, and the USSOUTHCOM Staff.

* This regulation supersedes USSOUTHCOM Policy Memo, dated 28 August 1996

2. OBJECTIVES. In accordance with international and domestic law, as well as U.S. policy, USSOUTHCOM human rights objectives are to:

a. Establish a USSOUTHCOM human rights policy for the AOR, consistent with U.S. law and policy and with international norms of human rights.

b. Encourage and assist the armed and/or security forces of allied governments to adhere to international norms of human rights.

c. Ensure that USSOUTHCOM maximizes engagement opportunities to foster greater respect and understanding of human rights.

d. Ensure that all U.S. DoD personnel assigned to USSOUTHCOM or deployed into the AOR understand their responsibility to respect and protect human rights, to include the reporting of all suspected gross violations of internationally recognized human rights.

3. SCOPE. This regulation applies to all U.S. DoD personnel assigned to USSOUTHCOM or deployed into the USSOUTHCOM AOR.

4. GENERAL.

a. DEFINITION OF HUMAN RIGHTS. Internationally recognized human rights, as defined in international treaty and customary international law, are absolutely legally binding on all States and include certain fundamental protections for the individual. A State that engages in the following activities commits a gross violation of internationally recognized human rights: genocide; slavery or slave trade; the murder of, or causing the disappearance of, individuals; torture, or other cruel, inhumane or degrading treatment or punishment; prolonged arbitrary detention; systematic racial discrimination; or a consistent pattern of committing gross violations of internationally recognized human rights. Broader types of human rights also include political and civil rights essential to a democratic society such as the right to free expression, the right to peaceful assembly, the right to free and fair elections, the right to a fair trial, freedom of religion, freedom of the press, as well as the right to an independent judiciary and a government subject to the rule of law.

b. U.S. HUMAN RIGHTS POLICY. The U.S. human rights policy strives to protect the dignity and integrity of individuals and promote democratic processes. U.S. statutes require the U.S. Government to consider the human rights performance of foreign states as a vital aspect of our political and commercial relations. These statutes generally prohibit or limit assistance to any country that engages in a consistent pattern of internationally recognized human rights violations.

c. INTERNATIONAL NORMS. The U.S. views the Restatement Third of the Foreign Relations Law of the United States (1987); Customary International Law of Human Rights as the standards against which a nation's human rights performance is measured. The Universal Declaration of Human Rights (Appendix B) and the Organization of American States Declaration of the Rights and Duties of Man (Appendix C) also contain important human rights standards.

5. POLICIES AND PROCEDURES. USSOUTHCOM human rights policies and procedures advance the respect for internationally recognized human rights in the AOR. This is accomplished through awareness education, integration of human rights issues into operations, and human rights advising and reporting:

a. AWARENESS EDUCATION.

(1) The U.S. Southern Command Human Rights Program of Instruction (POI), (Appendix D), provides detailed guidance concerning internationally recognized human rights awareness education objectives and standards.

(2) All U.S. DoD personnel assigned to USSOUTHCOM or deployed into the AOR will receive human rights awareness education and will be issued a USSOUTHCOM Human Rights Standing Orders card, SC Form 165 (sample at Appendix E).

(3) Human rights awareness education for temporary duty U.S. DoD personnel will be conducted in CONUS as part of pre-deployment preparations.

(4) MILGRP Commanders or U.S. Defense Representatives will conduct awareness education for personnel assigned to their unit or team.

b. INTEGRATION OF HUMAN RIGHTS INTO OPERATIONS.

(1) Exercises: All appropriate USSOUTHCOM sponsored exercises (e.g., peace-keeping operations, counterdrug, disaster relief, etc.) will incorporate human rights issues and concerns into the exercise Master Scenario Events List (MSEL) and will contain specific events that expose participants to human rights situations.

(2) Deployments: Officers and noncommissioned officers in charge of U.S. military personnel deployed to the AOR will include human rights awareness as part of all training provided to allied military forces. All human rights issues and observations will be addressed during initial briefings, periodic training reviews, and after action reports (AARs).

c. HUMAN RIGHTS ADVISING AND REPORTING.

(1) SCJ5-HR will monitor all human rights developments in the AOR and make reports to CINCSO when appropriate.

(2) U.S. DoD personnel will immediately report all instances of suspected gross violations of internationally recognized human rights through the chain of command to the country's MILGRP Commander. The MILGRP Commander will forward information regarding an alleged violation to the U.S. Ambassador and to CINCSO. Allegations of gross violations of internationally recognized human rights will be investigated in coordination with the U.S. Ambassador.

(3) MILGRP Commanders will report to CINCSO positive human rights developments, such as the introduction/improvement of human rights programs, within the host nation armed forces.

d. PROMOTION. SCJ5 will represent USSOUTHCOM at human rights hemispheric and regional conferences, seminars and working groups in order to forward the objectives described in para. 2 of this regulation.

6. RESPONSIBILITIES.

a. COMPONENT COMMANDERS. Component Commanders will conduct human rights awareness education for all U.S. DoD personnel permanently or temporarily assigned and for subordinate component units prior to deployment into the USSOUTHCOM AOR. This awareness training will be in accordance with the objectives established in the Human Rights Awareness Education POI (Appendix D) and supplemented with any appropriate information concerning local human rights policies and issues.

b. MILGRP COMMANDERS OR U.S. DEFENSE REPRESENTATIVES:

(1) Immediately report all suspected gross violations of internationally recognized human rights to the Ambassador and CINCSO and maintain a record of all such reports. All suspected incidents will be reported, regardless of the identity of the perpetrator or the victim, and regardless of whether they are military or civilian.

(2) Assess allied military human rights training programs and recommend any appropriate improvements to those programs. Provide copies of these assessments and recommendations to USSOUTHCOM, Human Rights Division, SCJ5-HR.

(3) Provide a quarterly report to USSOUTHCOM, Human Rights Division, SCJ5-HR, on human rights awareness education conducted during exercises and by training teams.

(4) Report to CINCSO positive human rights developments, such as the introduction/improvement of human rights programs, within the host nation armed forces.

c. USSOUTHCOM STAFF:

(1) SCJ3:

(a) Ensure that deployment orders and instructions for U.S. DoD personnel deployed into the AOR include the requirement to conduct pre-deployment human rights awareness education and to immediately report suspected gross violations of internationally recognized human rights per paragraph 5.c.(2) of this regulation.

(b) Review exercise and deployment AARs to determine the impact of the human rights awareness education received by deploying personnel and impact of human rights training presented to allied personnel. Ensure any allegations of gross violations of internationally recognized human rights contained in AARs are reported to the U.S. Ambassador in country and to CINCSO.

(2) SCJ5:

(a) Work with SCJ3 to ensure human rights issues and concerns are integrated into all appropriate USSOUTHCOM exercises and training.

(b) Assist country teams to develop human rights programs in host nation armed/security forces.

(c) Review and maintain records and reports, including non-U.S. Government reports, concerning AOR nations' human rights performance. Report significant findings and recommendations to CINCSO.

(d) Submit results and findings of human rights incidents reported by U.S. DoD personnel per this regulation to CINCSO.

(e) Manage the USSOUTHCOM Human Rights Awareness Education Program as described in paragraph 5.a. of this regulation.

(3) SCJA:

(a) Review all reports of alleged violations of internationally recognized human rights.

(b) Assist SCJ5-HR to ensure host nation military legal advisors promote human rights issues.

The proponent agency of this regulation is the U.S. Southern Command. Users are invited to send comments and suggested improvements directly to HQ USSOUTHCOM, SCJ5-HR, 3511 NW 91st Avenue, Miami, FL 33172-1217.

SCJ5

FOR THE COMMANDER IN CHIEF:

OFFICIAL:
J. F. GOODMAN
BGen, USMC
Chief of Staff

KATHLEEN I. RHODES
Colonel, USAF
Adjutant General

DISTRIBUTION:
D

APPENDIX A

HUMAN RIGHTS INSTRUMENTS AND AUTHORITY

1. INTERNATIONAL SOURCES

a. Restatement Third of the Foreign Relations Law of the United States (1987); Customary International Law of Human Rights

b. Charter of the Organization of American States and American Declaration of the Rights and Duties of Man, dated 1965.

c. United Nations Charter and Universal Declaration of Human Rights of 1948.

d. Geneva Conventions of 1949: Relative to the Treatment of Prisoners of War; Relative to the Protection of Civilian Persons in Time of War.

e. International Covenant on Civil and Political Rights of December 16, 1966.

f. International Covenant on Economic, Social, and Cultural Rights of 16 December 1966.

g. Convention to Suppress the Slave Trade and Slavery of 25 September 1926, as amended by the Protocol of 7 December 1953.

h. Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948.

i. Convention on the Political Rights of Women of 31 March 1953.

j. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956.

k. Convention Concerning the Abolition of Forced Labor of 25 June 1957.

l. Protocol Relating to the Status of Refugees of 31 January 1967.

2. NATIONAL SOURCES

a. Constitution of the United States and other Nations.

b. United States Bill of Rights.

c. United States Declaration of Independence.

Appendix A (Continued)

3. DEPARTMENT OF DEFENSE SOURCES

a. Uniform Code of Military Justice.

b. Department of Defense Directive 5100.77, the DoD Law of War Program, 1979.

c. Chairman of the Joint Chiefs of Staff Instruction 3121.01, Standing Rules of Engagement, 1994.

d. Department of the Air Force, Pamphlet 110-31, International Law--The Conduct of Armed Conflict and Air Operations, 1976.

e. Department of the Army, Field Manual 27-10, Law of Land Warfare, 1956, with Change 1 1976.

f. Department of the Navy, Navel Warfare Publication 9 (Rev A), Fleet Marine Force Manual 1-10, The Commander's Handbook on the Law of Naval Operations, 1989.

APPENDIX B

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted and Proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948[1]

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for an observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Members States themselves and among the peoples of territories under their jurisdiction.

[1] Voting 48 for, including United States; 0 against; 8 abstentions (Eastern bloc, Saudi Arabia, and South Africa).

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protections against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunal for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
2. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by others means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX C

American Declaration of the Rights and Duties of Man

O.A.S. Res. XXX, *adopted* by the Ninth International Conference of American States, Bogota, 1948, OEA/Ser. L./V/I.4 Rev. (1965)

Whereas:

The American peoples have acknowledged the dignity of the individual, and their national constitutions recognize that juridical and political institutions, which regulate like in human society, have as their principal aim the protection of the essential rights of man and the creation of circumstances that will permit him to achieve spiritual and material progress and attain happiness;

The American states have on repeated occasions recognized that the essential rights of man are not derived from the fact that he is a national of a certain state, but are based upon attributes of his human personality;

The international protection of the rights of man should be the principal guide of an evolving American law;

The affirmation of essential human rights by the American states together with the guarantees given by the internal regimes of the states establish the initial system of protection considered by the American states as being suited to the present social and juridical conditions, not without a recognition on their part that they should increasingly strengthen that system in the international field as conditions become more favorable,

The Ninth International Conference of American States

Agrees

To adopt the following

AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN

PREAMBLE

All men are born free and equal, in dignity and in rights, and, being endowed by nature with reason and conscience, they should conduct themselves as brothers one to another.

The fulfillment of duty by each individual is a prerequisite to the rights of all. Rights and duties are interrelated in every social and political activity of man. While rights exalt individual liberty, duties express the dignity of that liberty.

Duties of a juridical nature presuppose others of a moral nature which support them in principle and constitute their basis.

Inasmuch as spiritual development is the supreme end of human existence and the highest expression thereof, it is the duty of man to serve that end with all his strength and resources.

Since culture is the highest social and historical expression of that spiritual development, it is the duty of man to preserve, practice and foster culture by every means within his power.

And, since moral conduct constitutes the noblest flowering of culture, it is the duty of every man always to hold it in high respect.

CHAPTER ONE

Rights

Article I. Right to Life, Liberty and Personal Security. Every human being has the right to life, liberty and the security of his person.

Article II. Right to Equality before the Law. All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor.

Article III. Right to Religious Freedom and Worship. Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private.

Article IV. Right to Freedom of Investigation, Opinion, Expression and Dissemination. Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.

Article V. Right to Protection of Honor, Personal Reputation and Private and Family Life. Every person has the right to the protection of the law against abusive attacks upon his honor, his reputation, and his private and family life.

Article VI. Every person has the right to establish a family, the basic element of society, and to receive protection therefor.

Article VII. Right to Protection for Mothers and Children. All women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid.

Article VIII. Right to Residence and Movement. Every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave it except by his own will.

Article IX. Right to Inviolability of the Home. Every person has the right to the inviolability of his home.

Article X. Right to the Inviolability and Transmission of Correspondence. Every person has the right to the inviolability and transmission of his correspondence.

Article XI. Right to the Preservation of Health and to Well-being. Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources.

Article XII. Right to Education. Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity.

Likewise every person has the right to an education that will prepare him to attain a decent life, to raise his standard of living, and to be a useful member of society.

The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide.

Every person has the right to receive, free, at least a primary education.

Article XIII. Right to the Benefits of Culture. Every person has the right to take part in the cultural life of the community, to enjoy the arts, and to participate in the benefits that result from intellectual progress, especially scientific discoveries.

He likewise has the right to the protection of his moral and material interests as regards his inventions or any literary, scientific or artistic works of which he is the author.

Article XIV. Right to Work and to Fair Remuneration. Every person has the right to work, under proper conditions, and to follow his vocation freely, insofar as existing conditions of employment permit.

Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a standard of living suitable for himself and for his family.

Article XV. Right to Leisure Time and to the Use thereof. Every person has the right to leisure time, to wholesome recreation, and to the opportunity for advantageous use of his free time to his spiritual, cultural and physical benefit.

Article XVI. Right to Social Security. Every person has the right to social security which will protect him from the consequences of unemployment, old age, and disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living.

Article XVII. Right to Recognition of Juridical Personality and of Civil Rights. Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights.

Article XVIII. Right to a Fair Trial. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.

Article XIX. Right to Nationality. Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him.

Article XX. Right to Vote and to Participate in Government. Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free.

Article XXI. Right of Assembly. Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.

Article XXII. Right of Association. Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature.

Article XXIII. Right to Property. Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.

Article XXIV. Right of Petition. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon.

Article XXV. Right of Protection from Arbitrary Arrest. No person may be deprived of his liberty except in the cases and according to the procedures established by pre-existing law.

No person may be deprived of liberty for nonfulfillment of obligations of a purely civil character.

Every individual who has been deprived of his liberty has the right to have the legality of his detention ascertained without delay by a court, and the right to be tried without undue delay or, otherwise, to be released. He also has the right to humane treatment during the time he is in custody.

Article XXVI. Right to Due Process of Law. Every accused person is presumed to be innocent until proved guilty.

Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with preexisting laws, and not to receive cruel, infamous or unusual punishment.

Article XXVII. Right to Asylum. Every person has the right, in case of pursuit not resulting from ordinary crimes, to seek and receive asylum in foreign territory, in accordance with the laws of each country and with international agreements.

Article XXVIII. Scope of the Rights of Man. The rights of man are limited by the rights of others, by the security of all, and by the just demands of the general welfare and the advancement of democracy.

CHAPTER TWO

Duties

Article XXIX. Duties to Society. It is the duty of the individual so to conduct himself in relation to others that each and every one man fully form and develop his personality.

Article XXX. Duties Toward Children and Parents. It is the duty of every person to aid, support, educate and protect his minor children, and it is the duty of children to honor their parents always and to aid, support and protect them when they need it.

Article XXXI. Duties to Receive Instruction. It is the duty of every person to acquire at least an elementary education.

Article XXXII. Duty to Vote. It is the duty of every person to vote in the popular elections of the country of which he is a national, when he is legally capable of doing so.

Article XXXIII. Duty to Obey the Law. It is the duty of every person to obey the law and other legitimate commands of the authorities of his country and those of the country in which he may be.

Article XXXIV. Duty to Serve the Community and the Nation. It is the duty of every able-bodied person to render whatever civil and military service his country may require for its defense and preservation, and, in case of public disaster, to render such services as many be in his power. It is likewise his duty to hold any public office to which he may be elected by popular vote in the state of which he is a national.

Article XXXV. Duties with Respect to Social Security and Welfare. It is the duty of every person to cooperate with the state and the community with respect to social security and welfare, in accordance with his ability and with existing circumstances.

Article XXXVI. Duty to Pay Taxes. It is the duty of every person to pay the taxes established by law for the support of public services.

Article XXXVII. Duty to Work. It is the duty of every person to work, as far as his capacity and possibilities permit, in order to obtain the means of livelihood or to benefit his community.

Article XXXVIII. Duty to Refrain from Political Activities in a Foreign Country. It is the duty of every person to refrain from taking part in political activities that, according to law, are reserved exclusively to the citizens of the state in which he is an alien.

APPENDIX D

USSOUTHCOM Human Rights Program of Instruction Objectives

1. REFERENCE. See Appendix A (Human Rights Instruments and Authority).

2. PURPOSE. This Program of Instruction (POI) prescribes the human rights awareness education program objectives and standards for all U.S. Department of Defense (DoD) personnel (military and civilian) assigned or performing temporary duty in the USSOUTHCOM Area of Responsibility (AOR). It supplements the guidance contained in paragraph 5 of this regulation and any existing Component programs.

3. OBJECTIVES. USSOUTHCOM human rights training program objectives will:

a. Develop human rights awareness in U.S. DoD personnel operating within the AOR and in Allied Nation forces with whom SOUTHCOM units train.

b. Effectively disseminate USSOUTHCOM's human rights policy and objectives.

c. Ensure U.S. DoD personnel understand the requirement to report suspected gross violations of internationally recognized human rights by U.S. and/or allied nation forces operating within the AOR.

4. TRAINING STANDARDS.

a. HUMAN RIGHTS AWARENESS EDUCATION. All U.S. DoD personnel assigned or performing temporary duty in the AOR will receive initial human rights awareness education. Such education will include, at a minimum, viewing the human rights video, reading the current Human Rights Policy Regulation (including all appendices), and receiving a USSOUTHCOM Human Rights Standing Orders card, SC Form 165. For deploying units, this education will be conducted within the six months of assignment to the AOR.

b. HUMAN RIGHTS AWARENESS. Human rights awareness will be included in all training provided to allied nation forces. Human rights awareness should be realistically incorporated into all individual and unit training, specialized training, and exercises.

5. TRAINING MATERIALS. The Human Rights Discussion Outline (Annex A) provides an overview of the areas that should be addressed during Human Rights Awareness Education. In addition, this USSOUTHCOM Human Rights Policy Regulation, the USSOUTHCOM Human Rights Standing Orders card, and the training video[1] provide the basic information necessary to conduct awareness education. A listing of important Human Rights Instruments and Authority is at Appendix A and is recommended for further discussion.

6. TRAINING REPORTS.

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[1] Training video can be obtained from the USSOUTHCOM Human Rights Division, SCJ5-HR, at DSN: 567-XXXX or Commercial (305)437-XXXX, voice extensions: 1572/1573/1560, fax: 1857.

a. Individuals or units deploying to the AOR must certify compliance with the initial training requirement before receiving theater clearance.

b. Human rights awareness training to host nation personnel will be addressed in periodic training reviews and after action reports.

1 July 1998 SC Reg 1-20

APPENDIX D (CONTINUED)

ANNEX A - HUMAN RIGHTS DISCUSSION OUTLINE

1. REFERENCE: See Appendix A.

2. PURPOSE: This outline is provided to assist in conducting Human Rights Awareness Education for a deploying unit and/or as required reading for an individual doing self-study to meet the requirement of this regulation. It supplements the guidance contained in the Human Right Policy Regulation. This outline provides a synopsis of important areas which should be discussed as part of Human Rights Awareness Education.

3. BACKGROUND:

a. There is no single human rights document that sets forth all internationally recognized human rights. However, under international treaty and customary law the following activities constitute a gross violation of internationally recognized human rights:

(1) Genocide
(2) Slavery or slave trade
(3) The murder of, or causing the disappearance of, individuals
(4) Torture or other cruel, inhumane or degrading treatment or punishment
(5) Prolonged arbitrary detention
(6) Systematic racial discrimination
(7) A consistent pattern of committing gross violations of internationally recognized human rights.

b. DoD civilians and US military represent not only their specific service and command, but also the United States of America. Therefore, all personnel must ensure that internationally recognized human rights are not violated.

c. Human rights norms are violated when a government, or officials of a government, violate these internationally recognized human rights.

4. DEFINITION OF HUMAN RIGHTS:

a. Internationally recognized human rights, as defined in international treaty and customary international law, are absolutely legally binding on all States and include certain fundamental protections for the individual. A State that engages in the activities mentioned in paragraph 3.a. above commits a gross violation of internationally recognized human rights.

b. In addition to internationally recognized human right listed in 3.a., other fundamental political and civil freedoms include, but are not limited to, the following:

(1) Freedom of religion.
(2) Freedom of expression and peaceful assembly.
(3) Freedom from unnecessary destruction of property.

(4) Right to a fair and public trial.
(5) Freedom from severe and degrading physical mistreatment.
(6) Freedom to participate in government.

c. The "American Declaration of the Rights and Duties of Man" (Appendix B) and the "Universal Declaration of Human Rights" (Appendix C) provide a detailed discussion of a wide variety of human rights and freedoms. They include internationally recognized human rights as well as the broader political and civil human rights.

5. HUMAN RIGHTS DECALOGUE

a. First, Honor the Spirit of the Universal Declaration of Human Rights.

(1) Do What is Right.

(2) Focus: Protection of Individual Integrity.

(3) No Cruel Punishment.

(4) Due Process.

(5) Protection of one's home, family, and personal security.

(6) When governments respect and protect the rights of people, governments maintain legitimacy. In this way, respect for government is achieved.

b. Second, Give and Obey Lawful Orders.

(1) Directing subordinates to commit violations of internationally recognized human rights will subject the superior officer to punishment for the offense(s).

(2) Following orders is not a valid defense to acts which clearly violate internationally recognized human rights norms—the subordinate is subject to punishment for the offense(s).

(3) If you think an order is unlawful, ask for clarification.

(4) U.S. DoD personnel have the obligation to uphold the rule of law over clearly illegal commands.

c. Third, Report Crimes and Suspected Violations of Internationally Recognized Human Rights Violations to Proper Authorities.

(1) Report suspected violations to your Commander, Chaplain, Judge Advocate, U.S. Embassy officials or other responsible authority.

(2) You have the duty to prevent violations of internationally recognized human rights, by:
(a) Using moral arguments
(b) Threatening to report the act
(c) Asking the superior to clarify the order

(d) Stating your personal disagreement
(e) Asking others to help intervene.

d. Fourth, Respect Individual Integrity and Human Dignity.

(1) Individual integrity includes freedom of thought, conscience and religion; freedom of expression, communication and information; and freedom of assembly and association.

(2) Human dignity includes the protection of those not in a position to protect themselves, thus deserving special care and attention: Pregnant women, children, the sick, the aged, the homeless, and others.

(3) As protectors of society, the military must earn the respect of those we serve.

e. Fifth, Abide by the Military Code of Honor and Always Tell the Whole Truth.

(1) Fully cooperate with any investigation into suspected violations of internationally recognized human rights.

(2) Tell the whole truth -- set the example for others to follow.

f. Sixth, Spread the Word: Order Depends on Respect for Human Rights.

(1) The government must protect the governed. If it fails, it loses legitimacy and order is lost.

(2) The individual is the basic building block of society. By protecting each individual, the whole of society is improved.

g. Seventh, Do not Commit nor Tolerate Murder, Rape, Torture, Inhuman or Cruel Physical Mistreatment, or Excessive Use of Force.

(1) Use only the force necessary to complete the mission.

(2) Murder is the wrongful taking of life. If someone surrenders or is captured, they must be protected while in custody and control.

(3) Inhuman or cruel physical mistreatment of an individual by a government official, either civilian or military, is absolutely prohibited.

h. Eighth, Do not Commit nor Permit “Disappearances.”

(1) People taken into custody will be accounted for at all times.

(2) Contact with family should be permitted.

i. Ninth, Do not Commit nor Tolerate the Unnecessary Destruction of Property.

(1) Unauthorized taking of property is a crime.

(2) Only property and material that directly contributes to the effort of opposing forces may be attacked.

(3) Take care to avoid afflicting unnecessary destruction and unnecessary suffering.

j. Tenth, Do not Commit nor Tolerate Illegal Punishment.

(1) The military protects and defends. Leave the punishment to the courts.

(2) Due Process must be followed.

6. RESPONSIBILITY OF U.S. DoD PERSONNEL: The responsibility of U.S. DoD personnel (particularly those assigned or temporarily deployed to a foreign country) can be summarized by the "five R's."

a. **Recognize** human rights violations. This involves recognizing unlawful action by a government official, or someone acting under the color of government authority, and distinguishing "gross violations" of human rights, e.g. murder, torture, rape, or disappearances, from other violations. Furthermore, one must be mindful that not all apparently "bad" conduct constitutes a human rights violation.

b. **Refrain** from committing human rights violations. All DoD personnel are government officials, and government officials must not commit or aid in the commission of internationally recognized human rights violations. Moreover, DoD personnel may be responsible for the acts of subordinates and possibly the acts of fellow personnel. Upon encountering apparent gross violations of internationally recognized human rights in foreign countries, visiting DoD personnel should generally disengage from the activity and leave the area, provided they can disengage without impairing their mission.

c. **React** to violations of internationally recognized human rights. If observed conduct of a U.S. government official involves a gross violation, such as murder, torture or rape, intervention to protect a victim is required. If observed conduct of a foreign government official involves a gross violation, intervention to protect a victim may be appropriate in certain limited cases:

(1) The threat to life or limb is clear and compelling (e.g. without intervention, a death, dismemberment, or rape will almost certainly occur).

(2) No other government officials or military personnel are able to intervene.

(3) Intervention is possible without serious threat to the U.S. person's safety, unit security, or mission.

(4) Intervention involves no force or absolute minimum force to protect the victim (for example, shouting -- not shooting at perpetrator). The objective is to restore the status quo; not punish the perpetrator.

(5) If an official's conduct does not involve a gross violation, the person should follow the "report" procedures outlined.

d. **Record** violations of internationally recognized human rights.

(1) Subject to requirements of personnel/unit safety and of mission requirements, use available means to preserve evidence and record other details of any apparent violation of internationally recognized human rights. Such means may include photography and tape recording, as well as written notes and diagrams.

(2) As the location may be later examined by professional investigators from the proper host nation authorities (or other international investigators -- United Nations, regional or perhaps U.S.), be cautious about entering the area where events took place and collecting items of evidence without clearance from higher authority.

e. **Report** violations of internationally recognized human rights.

(1) Report all instances of suspected violations of internationally recognized human rights immediately to higher authority (see paragraph 5.C.(1)); use the most secure communications means available.

(2) Identify the official committing an offense, describe victim(s), specify the violating conduct, and state whether any U.S. DoD personnel were involved in any way.

(3) As appropriate, provide recommendations as to what the commander should do to protect the victim(s), restore the status quo, and preserve the evidence of these events.

7. REPRESENTATIVES: U.S. DoD personnel are visible representatives of U.S. legal and moral principles. Your actions, words, and deeds must reflect fundamental support of human rights, military honor, and the rule of law.

8. USSOUTHCOM Human Rights Standing Orders card, SC Form 165, dated 1 November 1997, constitutes legal and binding orders on all U.S. DoD personnel operating in the AOR.

APPENDIX E
USSOUTHCOM Human Rights Standing Orders Card

The following card has been reproduced as a signed wallet-size item issued to all SOUTHCOM permanent party personnel, as well as all personnel temporarily deploying into the SOUTHCOM area of responsibility.

Cards can be obtained from the USSOUTHCOM Human Rights Division, SCJ5-HR, at DSN: 567-XXXX or Commercial (305)437-XXXX, voice extensions: 1572/1573/1560, fax: 1857.

1 July 1998

USSOUTHCOM HUMAN RIGHTS STANDING ORDERS

The U.S. Armed Forces support the UN and OAS standards of human rights to protect the integrity and dignity of each individual. Adherence to this policy strengthens the democratic process.

Human rights include fundamental protections for individuals such as freedom from torture or illegal killing. However, any severe and degrading physical mistreatment of any individual by a government official, either civilian or military, may be a human rights violation.

U.S. Department of Defense (DoD) personnel must never participate in any activity which is contrary to this human rights policy nor encourage others to do so. It is the duty of all U.S. DoD personnel to object to any possible human rights violation they observe, regardless of who is involved.

U.S. DoD personnel must immediately report to SOUTHCOM, through their chain of command, any activity they observe or hear about which they believe is a violation of human rights.

U.S. DoD personnel must fully cooperate with any investigation into human rights violations.

U.S. DoD personnel are visible representatives of United States legal and moral principles. Their actions, words, and deeds must reflect fundamental support of human rights, military honor, and the rule of law.

This USSOUTHCOM card constitutes legal and binding orders on all U.S. DoD personnel operating in the AOR.

1 July 1998

SOUTHCOM REPORTING
PROCEDURES

THE FIVE RS OF HUMAN RIGHTS

RECOGNIZE

REFRAIN

REACT

RECORD

REPORT

SC FORM 165, 1 November 1997

APPENDIX E-3: US SOUTHCOM STANDING ROE FOR DEPLOYED FORCES

USSOUTHCOM
STANDING ROE FOR DEPLOYED FORCES

Deployments within the SOUTHCOM AOR generally occur under normal peacetime conditions. Under such circumstances, using deadly force to accomplish your mission is not necessary. However, should you be subject to an attack or a demonstration of hostile intent, these ROE are applicable.

1. You always have the right to act in self-defense.

2. In all cases, you are to use only the amount of force necessary to neutralize the attack or threat.

3. You may use deadly force to protect your life and the lives of the members of your unit. Once the threat ends, the right to use deadly force stops.

4. You may use deadly force to prevent the theft of property, such as weapons, which will pose an immediate threat to your life or the lives of members of your unit.

5. You may also use deadly force to protect US Government property when its loss will adversely affect national security. Your chain of command will tell you which, if any, property on your deployment fits this criterion.

6. You may detain persons who pose an immediate threat to use deadly force against you. Release them to appropriate host nation authorities as soon as practical.

7. Disarm detained persons. Turn over the seized weapons to appropriate host nation authorities at soon as practical.

8. ROE may change as the situation changes. Be prepared to adapt to new use of force authorizations as circumstances require.

(Counterdrug Standing ROE omitted)

APPENDIX E-4: JTF AGUILA MEMORANDUM, SUBJECT: OFF LIMITS AREAS ON COMALAPA AIR BASE

DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE AGUILA
APO AA 34023-0008

JTFA-C (27-20) 5 January 1999

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT- Off Limits Areas on Comalapa Air Base

1. Effective immediately, the following areas at Comalapa Air Base are off limits to JTF Aguila personnel:

a. The Base Headquarters building and grounds.

b. All security guard posts and towers.

c. The airfield except when conducting official duties.

d. The El Salvadoran dining area adjacent to the Humanitarian Operations Center (HOC), except for authorized attendance of religious services.

e. All El Salvadoran offices and sleeping quarters unless specifically invited or when conducting official duties.

f. The El Salvadoran Officers Club and NCO dining area except the area designated as the JTF Aguila Operation Center.

g. The El Salvadoran Aid Station.

h. Comalapa International Airport unless or, official business.

2. Areas near the base housing are designated as quiet zones. Units will not sing cadence in these areas.

3. Violation of this policy may be grounds for administrative or disciplinary action pursuant to the Uniform Code of Military Justice.

4. Joint Task Force Aguila personnel are encouraged to continue to interact with El Salvadoran personnel in authorized areas.

VIRGIL L PACKETT II
Colonel, JTF Aguila
Commanding

DISTRIBUTION:
A

APPENDIX E-5: JTF AGUILA POLICY LETTER #4, VEHICLE MOVEMENT OUTSIDE THE DESIGNATED COMPOUND OF COMALAPA AIR BASE, EL SALVADOR

DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE AGUILA
APO AA 34023-0008

JTFA-C 18 DECEMBER 1998

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #4, Vehicle Movement outside the designated compound of Comalapa Air Base, El Salvador

1. Purpose. To re-state specified rules governing U.S. service member's movement in civilian and military vehicles to and from Comalapa Air Base.

2. Order. All personnel assigned to Comalapa Air Base will follow stated rules that govern the density of vehicles traveling, weapons, clothing worn, sign out procedures, cellular phone use, and accompaniment of U.S. personnel by Salvadoran police.

3. Procedures.

a. All travel by U.S. personnel will be in military uniform unless given permission from the JTF Aguila Command Group comprised of CSM Cameron, LTC Jones, COL Wideman, or COL Packett.

b. Convoy Commanders will complete a convoy/weapons authorization memorandum prior to departure. The memorandum must be signed first by the J3 to verify that a Rules of Engagement briefing was received, then by the Chief of Staff for final approval authority.

c. Convoy Commanders will sign out with the J3 prior to departure and sign in with the J3 immediately upon return.

d. All movements require a two vehicle minimum convoy, one weapon per vehicle, positive communications with JTF HQ during mission, and a minimum of one Salvadoran policeman per convoy.

e. Night movement is limited to missions involving airport pick-up/drop-off or missions to austere locations where completion of task may cause a return in hours of darkness.

f. Any emergency situation involving U.S. personnel where an emergency convoy must be dispatched requires local authority involvement and strict adherence to procedures outlined in the JTF Aguila Emergency Procedures Handbook.

4. Exceptions.

a. Trips to and from airport and/or the local gas station are allowed to travel single vehicle if mission requirements have extended our availability of vehicles. This exception does not apply to night movements. All other rules apply.

b. PAO personnel located at the JIB in San Salvador are allowed to travel to and from Comalapa Air Base in single vehicle convoys when the mission dictates. If JTF Aguila personnel are traveling with PAO JIB, all rules apply.

c. The two vehicle rule does not apply to those agencies who have approved two vehicle rule waiver on file with the JTF Aguila Command Group. Waivers are for specific agencies governing Force Protection and will not be granted for routine missions.

3. A Salvadoran police escort, comprised of two or more Salvadoran MPs with vehicle, may suffice for the second vehicle in above rules. Except in emergencies, coordination for this escort requires a minimum 24 hours notice.

VIRGIL L. PACKETT II
Colonel, JTF Aguila
Commanding

DISTRIBUTION:
A

APPENDIX F: ARMY REGULATION 27-26 EXTRACT, RULES OF PROFESSIONAL CONDUCT FOR LAWYERS (INTENTIONALLY BLANK)

Army Regulation 27–26

Legal Services

Rules of Professional Conduct for Lawyers

Headquarters
Department of the Army
Washington, DC
1 May 1992

Unclassified

between such lawyers and their clients as it is to provide guidance to judge advocates practicing with such lawyers and to supervisory judge advocates who may be asked to inquire into an alleged fee irregularities. Absent Rule 1.5(a)-(e), such judge advocates have no readily available standard with which to consider allegedly questionable conduct of a private civilian lawyer. Rule 1.5(a)-(e) is the same as the American Bar Association Model Rule of Professional Conduct 1.5 (a)-(e) and thus reflects generally accepted professional standards.

Basis or Rate of Fee

When the lawyer has regularly represented a client, they ordinarily will have reached an understanding concerning the basis or rate of the fee. In a new client-lawyer relationship, however, an understanding as to the fee should be promptly established. It is not necessary to recite all the factors that underlie the basis of the fee, but only those that are directly involved in its computation. It is sufficient, for example, to state that the basic rate is an hourly charge, a fixed amount or an estimated amount, or to identify the factors that may be taken into account in finally fixing the fee. When developments occur during the representation that render an earlier estimate substantially inaccurate, a revised estimate should be provided to the client. A written statement concerning the fee reduces the possibility of misunderstanding. Furnishing the client with a simple memorandum or a copy of the lawyer's customary fee schedule is sufficient if the basis or rate of fee is set forth.

Terms of Payment

A lawyer may require advance payment of a fee, but is obliged to return any unearned portion. See Rule 1.16(d). A lawyer may accept property in payment for services, such as an ownership interest in an enterprise, providing this does not involve acquisition of a proprietary interest in the cause of action or subject matter of the litigation contrary to Rule 1.8(j). However, a fee paid in property instead of money may be subject to special scrutiny because it involves questions concerning both the value of the services and the lawyer's special knowledge of the value of the property.

An agreement may not be made whose terms might induce the lawyer improperly to curtail services for the client or perform them in a way contrary to the client's interest. For example, a lawyer should not enter into an agreement whereby services are to be provided only up to a stated amount when it is foreseeable that more extensive services probably will be required, unless the situation is adequately explained to the client. Otherwise, the client might have to bargain for further assistance in the midst of a proceeding or transaction. However, it is proper to define the extent of services in light of the client's ability to pay. A lawyer should not exploit a fee arrangement based primarily on hourly charges by using wasteful procedures. Where there is doubt whether a contingent fee is consistent with the client's best interest, the lawyer should offer the client alternative bases for the fee and explain their implications. Applicable law may impose limitations on contingent fees, such as a ceiling on the percentage.

Division of Fee

A division of fee is a single billing to a client covering the fee of two or more lawyers who are not in the same firm. A division of fee facilitates association of more than one lawyer in a matter in which neither alone could serve the client as well, and most often is used when the fee is contingent and the division is between a referring lawyer and a trial specialist. Paragraph (e) permits the lawyer to divide a fee on either the basis of the proportion of services they render or by agreement between the participating lawyers if all assume responsibility for the representation as a whole and the client is advised and does not object. It does not require disclosure to the client of the share that each lawyer is to receive. Joint responsibility for the representation entails the obligations stated in Rule 5.1 for purposes of the matter involved.

Disputes over Fees

If a procedure has been established for resolution of fee disputes, such as an arbitration or mediation procedure established by the bar, the lawyer should conscientiously consider submitting to it. Law may prescribe a procedure for determining a lawyer's fee, for example, in representation of an executor or administrator, a class or a person entitled to a reasonable fee as part of the measure of damages. The lawyer entitled to such a fee and a lawyer representing another party concerned with the fee should comply with the prescribed procedure.

Military Representation and Referral

Army lawyers may neither request nor accept any gratuity, salary or other compensation from any source as payment for performance of official Army duties. For example, a legal assistance officer is prohibited from accepting a gift or a loan from a client tendered as a result of assistance rendered.

Army lawyers may not request or accept any gratuity, salary, or other compensation from a client obtained incident to the performance of duties as an officer or employee of the Army. For example, a legal assistance officer (including a reservist being utilized as a legal assistance officer such as during drills or as a Special Legal Assistance Officer) may not receive any actual or constructive compensation or benefit for or in connection with referring to private practice (including one in which the referring lawyer engages during off-duty hours) a matter the lawyer first become involved with in a military legal assistance capacity. This rule precludes the legal assistance officer from referring a client originally seen in a legal assistance capacity to himself or herself or to the firm in which the lawyer works in a private capacity concerning the same general matter for which the client was seen in legal assistance unless no fee or other compensation is charged. It does not preclude the lawyer from representing military personnel or dependents in a private capacity concerning new matters, even though the relationship might have been first established in a military legal assistance capacity. The rule prohibits a lawyer from using an official position to solicit or obtain clients for a private practice.

CROSS REFERENCES:

Rule 1.2 Scope of Representation
Rule 1.7 Conflict of Interest: GeneralRule
Rule 1.8 Conflict of Interest: Prohibited Transactions
Rule 1.16 Declining or Terminating Representation

RULE 1.6 Confidentiality of Information.

(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b), (c), and (d).

(b) A lawyer shall reveal such information to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm, or significant impairment of national security or the readiness or capability of a military unit, vessel, aircraft, or weapon system.

(c) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client.

(d) An Army lawyer may reveal such information when required or authorized to do so by law.

COMMENT:

The lawyer is part of a judicial system charged with upholding

the law. One of the lawyer's functions is to advise clients so that they avoid any violation of the law in the proper exercise of their rights.

The observance of the ethical obligation of a lawyer to hold inviolate confidential information of the client not only facilitates the full development of facts essential to proper representation of the client but also encourages people to seek early legal assistance.

Almost without exception, clients come to lawyers in order to determine what their rights are and what is, in the maze of laws and regulations, deemed to be legal and correct. The common law recognizes that the client's confidences must be protected from disclosure. Based upon experience, lawyers know that most clients follow the advice given, and the law is upheld.

A fundamental principle in the client-lawyer relationship is that the lawyer maintain confidentiality of information relating to the representation. The client is thereby encouraged to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter.

The principle of confidentiality is given effect in two related bodies of law, the attorney-client privilege (which includes the work product doctrine) in the law of evidence and the rule of confidentiality established in professional ethics. The attorney-client privilege applies in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule applies not merely to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by these Rules of Professional Conduct or other lawful order, regulation or statute.

The preservation of client confidentiality also may be affected by the nature of the facilities available. Army lawyers should have enclosed private offices which afford the degree of privacy necessary to preserve confidentiality. Under any circumstances, an Army lawyer must strive to avoid allowing unauthorized persons to overhear confidential conversations. Control or access by others to automated data processing systems or equipment utilized by the lawyer also must be considered. Control or access by personnel who are not subject to the Rules, or supervised by those subject to these Rules, may lead to a violation of the confidentiality required by this Rule.

The requirement of maintaining confidentiality of information relating to representation applies to government lawyers who may disagree with the policy goals that their representation is designed to advance.

Authorized Disclosure

A lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation, except to the extent that the client's instructions or special circumstances limit that authority. In litigation, for example, a lawyer may disclose information by admitting a fact that cannot properly be disputed, or in negotiation by making a disclosure that facilitates a satisfactory conclusion.

Lawyers may disclose to supervisory lawyers and to paralegals, subject to the direction and control of the lawyer or the lawyer's supervisory lawyer, information relating to a client, unless the client has instructed that particular information be confined to specified lawyers, or unless otherwise prohibited by these Rules of Professional Conduct or other lawful order, regulation, or statute.

Disclosure Adverse to Client

The confidentiality rule is subject to limited exceptions. In becoming privy to information about a client, a lawyer may foresee that the client intends serious harm to another person. However, to the extent a lawyer is required or permitted to disclose a client's purposes, the client will be inhibited from revealing facts which would enable the lawyer to counsel against a wrongful course of action. The public is better protected if full and open communication by the client is encouraged than if it is inhibited. Several situations must be distinguished.

First, the lawyer may not counsel or assist a client in conduct that is criminal or fraudulent. See Rule 1.2(d). Similarly, a lawyer owes a duty of candor to the court and has a duty under Rule 3.3(a)(3) not to use false evidence. These duties are essentially special instances of the duty prescribed in Rule 1.2(d) to avoid assisting a client in criminal or fraudulent conduct.

Second, the lawyer may have been innocently involved in past conduct by the client that was criminal or fraudulent. In such a situation the lawyer has not violated Rule 1.2(d), because to "counsel or assist"criminal or fraudulent conduct requires knowing that the conduct is of that character.

Third, the lawyer may learn that a client intends prospective conduct that is criminal and likely to result in imminent death or substantial bodily harm, or significant impairment of national security or of the readiness or capability of a military unit, vessel, aircraft, or weapon system. As stated in paragraph (b), the lawyer has a professional obligation to reveal information to the extent that lawyer reasonably believes necessary to prevent such consequences.

Examples of conduct likely to result in the significant impairment of the readiness or capability of a military unit, vessel, aircraft, or weapon system include: divulging the classified location of a special operations unit such that the lives of members of the unit are placed in immediate danger; sabotaging a vessel or aircraft to the extent that the vessel or aircraft and crew will be lost; compromising the security of a weapons site such that the weapons are likely to be stolen or detonated. Paragraph (b) is not intended to and does not mandate the disclosure of conduct which may have a slight impact on the readiness or capability of a unit, vessel, aircraft or weapon system. Examples of such conduct are: absence without authority from a peacetime training exercise; intentional damage to an individually assigned weapon; and intentional minor damage to military property.

In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to the purpose.

Withdrawal

If the lawyer's services will be used by the client in materially furthering a course of criminal or fraudulent conduct, the lawyer must seek to withdraw, as stated in Rule 1.16(a)(1).

After withdrawal the lawyer is required to refrain from making disclosure of the client's confidence, except as otherwise provided in Rule 1.6. Nothing in this Rule, Rule 1.8(b) or Rule 1.16(d) prevents the lawyer from giving notice of the fact of withdrawal, and the lawyer may also withdraw or disaffirm any opinion, document, affirmation, or the like.

Where the client is the Army, the lawyer may be in doubt whether contemplated conduct will actually be carried out. Where necessary to guide conduct in connection with the Rule, the lawyer may make inquiry within the Army as indicated in Rule 1.13(c).

Dispute Concerning a Lawyer's Conduct

Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. The lawyer's right to respond arises when an assertion of such complicity has been made. Paragraph (c) does not require the lawyer to await the commencement of an action or proceeding that charges such complicity, so that the defense may be established by responding directly to a third party who has made such an assertion. The right to defend, of course, applies where a proceeding has been commenced. Where practicable and not prejudicial to the lawyer's ability to establish the defense, the lawyer should advise the client of the third party's assertion and request that the client respond appropriately. In any event, disclosure should be no greater than the lawyer reasonably

believes is necessary to vindicate innocence, the disclosure should be made in a manner which limits access to the information to the tribunal or other persons having a need to know it, and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.

If the lawyer is charged with wrongdoing in which the client's conduct is implicated, the rule of confidentiality should not prevent the lawyer from defending against the charge. Such a charge can arise in a civil, criminal or professional disciplinary proceeding, and can be based on a wrong allegedly committed by the lawyer against the client, or a wrong alleged by a third person; for example, a person claiming to have been defrauded by the lawyer and client acting together. A non-government lawyer entitled to a fee is permitted by paragraph (b)(2) to prove the services rendered in an action to collect it. This aspect of the Rule expresses the principle that the beneficiary of a fiduciary relationship may not exploit it to the detriment of the fiduciary. As stated above, the lawyer must make every effort practicable to avoid unnecessary disclosure of information relating to a representation, to limit disclosure to those having the need to know it, and to obtain protective orders or make other arrangements minimizing the risk of disclosure.

Disclosure Otherwise Required or Authorized

The attorney-client privilege is defined by Military Rule of Evidence 502. If a lawyer is called as a witness to give testimony concerning a client, absent waiver by the client, Rule 1.6(a) requires the lawyer to invoke the privilege when it is applicable. The lawyer must comply with the final orders of a court or other tribunal of competent jurisdiction requiring the lawyer to give information about the client.

These Rules of Professional Conduct in various circumstances permit or require a lawyer to disclose information relating to the representation. See Rules 2.2, 2.3, 3.3 and 4.1. In addition to these provisions, a lawyer may be obligated or permitted by other provisions of law to give information about a client. Whether another provision of law supersedes Rule 1.6 is a matter of interpretation beyond the scope of these Rules, but a presumption should exist against such a supersession.

Former Client

The identification of the client, for purposes of the Army Lawyer, is important to the application of this rule. Generally the agency is the Army lawyer's client. Communications by an Army lawyer both inside and outside of the agency may or may not violate this rule. An Army Lawyer's duty under this rule is affected by statutes, regulations and other lawful directives.

Paragraph (d) permits disclosures that the agency authorizes its lawyers to make in connection with the performance of their duties to the agency. These disclosures may be required by statute, Executive Order, regulation or directive, depending upon the authority of the agency to issue such order. An attorney may reveal information when authorized by law and must reveal information when required to do so by law.

There are circumstances in which an Army Lawyer may be assigned to provide an individual with counsel or representation in which it is clear that an obligation of confidentiality adheres to that individual and not the agency. Examples include judge advocates who provide defense counsel or legal assistance services to individuals. It would also include Army Lawyers who have been approved by their Senior Counsel or the Senior Counsel's designee to provide legal service to an individual with regard to a specific legal matter.

The duty of confidentiality continues after the client-lawyer relationship has terminated.

CROSS REFERENCES:

Rule 1.1 Competence
Rule 1.2 Scope of Representation
Rule 1.8 Conflict of Interest: Prohibited Transactions
Rule 1.13 Army as Client
Rule 1.16 Declining and Terminating Representation
Rule 2.1 Advisor
Rule 2.2 Intermediary
Rule 2.3 Evaluation for Use by Third Persons
Rule 3.3 Candor toward the Tribunal
Rule 4.1 Truthfulness of Statements to Others
Rule 5.4 Professional Independence of a Lawyer

RULE 1.7 Conflict of Interest: General Rule.

(a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless;

(1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and

(2) each client consents after consultation.

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless;

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

COMMENT:

Loyalty is an essential element in the lawyer's relationship to a client. An impermissible conflict of interest may exist before representation is undertaken, in which event the representation should be declined. If such a conflict arises after representation has been undertaken, the lawyer should seek to withdraw from the representation. See Rule 1.16. Where more than one client is involved and the lawyer is permitted to withdraw because a conflict arises after representation, whether the lawyer may continue to represent any of the clients is determined by Rule 1.9. See also Rule 2.2(c). As to whether a client-lawyer relationship exists or, having once been established, is continuing, see Comment to Rule 1.3.

As a general proposition, loyalty to a client prohibits undertaking representation directly adverse to that client without that client's consent. Paragraph (a) expresses that general rule. Thus, a lawyer ordinarily may not act as advocate against a person the lawyer represents in some other matter, even if it is wholly unrelated. On the other hand, simultaneous representation in unrelated matters of clients whose interests are only generally adverse, does not require consent of the respective clients. Paragraph (a) applies only when the representation of one client would be directly adverse to the other.

Loyalty to a client is also impaired when a lawyer cannot consider, recommend or carry out an appropriate course of action for the client because of the lawyer's other responsibilities or interests. The conflict in effect forecloses alternatives that would otherwise be available to the client. Paragraph (b) addresses such situations. A possible conflict does not itself preclude the representation. The critical questions are the likelihood that a conflict will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client. Consideration should be given to whether the client wishes to accommodate the other interest involved.

Consultation and Consent

A client including an organization (see Rule 1.13c)(b), may consent to representation notwithstanding a conflict. However, as indicated in Rule 1.7(a)(1) with respect to representation directly adverse to a client, and Rule 1.7(b)(1) with respect to material limitations on representation of a client, when a disinterested lawyer would conclude that the client should not agree to the representation under the circumstances, the lawyer involved cannot properly ask for such agreement to provide representation on the basis of the

client's consent. When more than one client is involved, the question of conflict must be resolved as to each client. Moreover, there may be circumstances where it is impossible to make the disclosure necessary to obtain consent. For example, when the lawyer represents different clients in related matters and one of the clients refuses to consent to the disclosure necessary to permit the other client to make an informed decision, the lawyer cannot properly ask the latter to consent.

Lawyer's Interests

The lawyer's own interests should not be permitted to have an adverse effect on representation of a client. For example, a military lawyer's desire to take leave or transfer duty stations should not motivate the lawyer to recommend a pretrial agreement in a case. If the propriety of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice. A lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed interest.

Conflicts of Litigation

Paragraph (a) prohibits representation of opposing parties in litigation. Simultaneous representation of parties whose interests in litigation may conflict, such as co-plaintiffs or co-defendants, is governed by paragraph (b). An impermissible conflict may exist by reason of substantial discrepancy in the parties' testimony, incompatibility in positions in relation to an opposing party or the fact that there are substantially different possibilities of settlement of the claims or liabilities in question. Such conflicts can arise in criminal cases as well as civil. The potential for conflict of interest in representing multiple accused in a criminal case is so grave that ordinarily a lawyer should not represent more than one co-accused. On the other hand, common representation of persons having similar interests is proper if the risk of adverse effect is minimal and the requirements of paragraph (b) are met. Compare Rule 2.2 involving intermediation between clients.

Ordinarily, a lawyer may not act as advocate against a client the lawyer represents in some other matter, even if the other matter is wholly unrelated. However, there are circumstances in which a lawyer may act as advocate against a client. For example, Government lawyers in some circumstances may represent Government employees in proceedings in which a Government agency is the opposing party. The propriety of concurrent representation can depend on the nature of the litigation. For example, a suit charging fraud entails conflict to a degree not involved in a suit for a declaratory judgment concerning statutory interpretation.

A lawyer may represent parties having antagonistic positions on a legal question that has arisen in different cases, unless representation of either client would be adversely affected. Thus, it is ordinarily proper to assert such positions in cases pending in different trial courts, but it may be improper to do so in cases pending at the same time in an appellate court.

Interest of a Person Paying for a Lawyer's Service

A civilian lawyer practicing before a tribunal conducted pursuant to the Manual for Courts-Martial or the Uniform Code of Military Justice may be paid from a source other than the client, if the client is informed of that fact, consents and the arrangement does not compromise the lawyer's duty of loyalty to the client. See Rule 1.8(f). For example, an accused soldier's family may pay a civilian lawyer to represent the soldier at a court-martial.

Other Conflict Situations

Conflicts of interest in contexts other than litigation sometimes may be difficult to assess. Relevant factors in determining whether there is potential for adverse effect include the duration and intimacy of the lawyer's relationship with the client or clients involved, the functions being performed by the lawyer, the likelihood that actual conflict will arise and the likely prejudice to the client from the conflict if it does arise. The question is often one of the proximity and degree.

For example, a legal assistance attorney may not represent both parties in a negotiation whose interests are fundamentally antagonistic to each other, but common representation is permissible where the clients are generally aligned in interest even though there is some difference of interest among them. Such cases of common interest might include advising a buyer and seller of an auto and preparing a bill of sale for them.

Conflict questions may also arise in estate planning. A lawyer may be called upon to prepare wills for several family members, such as husband and wife, and, depending upon the circumstances, a conflict of interest may arise.

Conflict Charged by an Opposing Party

While the lawyer must be careful to avoid conflict of interest situations, resolving questions of conflict of interest is primarily the responsibility of the supervisory lawyer or the military judge. See also Rule 5.1. In litigation, a court may raise the question when there is reason to infer that the lawyer has neglected the responsibility. In a criminal case, inquiry by the court is generally required when a lawyer represents multiple coaccused. Where the conflict is such as clearly to call in question the fair or efficient administration of justice, opposing counsel may properly raise the question. Such an objection should be viewed with caution, however, for it can be misused as a technique of harassment.

CROSS REFERENCES:

Rule 1.1 Competence
Rule 1.2 Scope
Rule 1.4 Communication
Rule 1.8 Conflict of Interest: Prohibited Transactions
Rule 1.9 Conflict of Interest: Former Client
Rule 1.12 Former Judge or Arbitrator
Rule 1.13 Army as Client
Rule 1.16 Declining or Terminating Representation
Rule 2.2 Intermediary
Rule 2.3 Evaluation for Use by Third Person
Rule 5.1 Responsibilities of the Senior Counsel and Supervisory Lawyers
Rule 5.4 Professional Independence of a Lawyer

RULE 1.8 Conflict of Interest: Prohibited Transactions

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client unless;

(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner which can be reasonably understood by the client;

(2) the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and

(3) the client consents in writing thereto.

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client consents after consultation.

(c) A lawyer shall not prepare an instrument giving the lawyer or a person related to the lawyer as parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client is related to the donee.

(d) While representing a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation except that a civilian lawyer practicing before a tribunal conducted pursuant to the Manual for Courts-Martial or the Uniform Code of Military

Justice representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless;

(1) the client consents after consultation;

(2) there is no interference with the lawyer's independence of professional judgment or with the lawyer-client relationship;and

(3) information relating to representation of a client is protected as required by Rule 1.6.

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregate agreement as to guilty pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

(h) A lawyer shall not make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless permitted by law and the client is independently represented in making the agreement, or settle a claim for such liability with an unrepresented client or former client without first advising that person in writing that independent representation is appropriate in connection therewith.

(i) A lawyer related to another lawyer as parent, child, sibling, or spouse shall not represent a client in a representation directly adverse to a person who the lawyer knows is represented by the other lawyer except upon consent by the client after consultation regarding the relationship.

(j) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client.

COMMENT:

Army Lawyers

Army lawyers will strictly adhere to Department of the Army standards of conduct regulations in all dealings with clients. Such regulations generally prohibit entering into business transactions with clients, deriving financial benefit from representations of clients, and accepting gifts from clients or other entities for the performance of official duties. This rule does not authorize conduct otherwise prohibited by such regulations. An Army lawyer will not make any referrals of legal or other business to any private civilian lawyer or enterprise with whom the Army lawyer has any present or expected direct or indirect personal interest. Special care will be taken to avoid giving preferential treatment to reserve judge advocates or other government lawyers in their private capacities.

Transactions Between Client and Lawyer

As a general principle, all business transactions between client and lawyer should be fair and reasonable to the client. In such transactions a review by independent counsel on behalf of the client is often advisable. Furthermore, a lawyer may not exploit information relating to the representation to the client's disadvantage. For example, a lawyer who has learned that the client is investing in specific real estate may not, without the client's consent, seek to acquire nearby property where doing so would adversely affect the client's plan for investment. Paragraph (a) does not, however, apply to standard commercial transactions between the lawyer and the client for products or services that the client generally markets to others, for example, banking or brokerage services, medical services, products manufactured or distributed by the client, and utilities' services. In such transactions, the lawyer has no advantage in dealing with the client, and the restrictions in paragraph (a) are unnecessary and impracticable. All transactions must comply with promulgated standards of conduct and other lawful orders and regulations. See also Rule 1.5.

Rule 1.8(e) does not prohibit de minimis financial assistance to a client such as a trial defense counsel's purchase of an authorized ribbon for wear on the accused's uniform during court-martial proceedings.

Literary Rights

An agreement by which a lawyer acquires literary or media rights concerning the conduct of the representation creates a conflict between the interests of the client and the personal interests of the lawyer. Measures suitable in the representation of the client may detract from the publication value of an account of the representation.

Person Paying for a Lawyer's Services

Rule 1.8(f) requires disclosure of the fact that the lawyer's services are being paid for by a third party. Such an arrangement must also conform to the requirements of Rule 1.6 concerning confidentiality and Rule 1.7 concerning conflict of interest.

Family Relationships Between Lawyers

Rule 1.8(i) applies to related lawyers who are in different offices, e.g., one lawyer is a trial counsel in a staff judge advocate office and one lawyer is a trial defense counsel serving the same staff judge advocate office. Related lawyers in the same office are governed by Rules 1.7, 1.9, and 1.10. The disqualification stated in Rule 1.8(i) is personal and is not imputed to other lawyers in the offices with whom the lawyer performs duty.

Acquisition of Interest in Litigation

Rule 1.8(j) states the traditional general rule that lawyers are prohibited from acquiring a proprietary interest in litigation. This general rule, which has its basis in common law champerty and maintenance, is subject to specific exceptions developed in decisional law and continued in these Rules, such as the exception for reasonable contingent fees set forth in Rule 1.5 and the exception for certain advances of the costs of litigation set forth in paragraph (e).

The Rule is not intended to apply to customary qualifications and limitations in legal opinions and memoranda.

CROSS REFERENCES:

Rule 1.1 Competence
Rule 1.2 Scope of Representation
Rule 1.5 Fees
Rule 1.7 Conflict of Interest: General Rule
Rule 1.9 Conflict of Interest: Former Client
Rule 1.16 Declining or Terminating Representation

RULE 1.9 Conflict of Interest: Former Client

(a) A lawyer who has formerly represented a client in a matter shall not thereafter;

(1) represent another person in the same or a substantially related matter in which the person's interests are materially adverse to the interests of the client unless the former client consents after consultation; or

(2) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 would permit with respect to a client or when the information has become generally known.

(b) An Army lawyer shall not knowingly represent a second client in the same or a substantially related matter in which a firm with which the lawyer formerly associated had previously represented a client;

(1) whose interests are materially adverse to that second client; and

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) An Army lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter;

(1) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 would permit with respect to a client or when the information has become generally known.

(2) reveal information relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client.

COMMENT:

After termination of a client-lawyer relationship, a lawyer may not represent another client except in conformity with this Rule. The principles in Rule 1.7 determine whether the interests of the present and former client are adverse. Thus, a lawyer could not properly seek to rescind on behalf of a new client a contract drafted on behalf of the former client. So also a lawyer who has defended an accused at trial could not properly act as appellate Government counsel in the appellate review of the accused's case.

The scope of a "matter"for purposes of Rule 1.9(a) may depend on the facts of a particular situation or transaction. The lawyer's involvement in a matter can also be a question of degree. When a lawyer has been directly involved in a specific transaction, subsequent representation of other clients with materially adverse interests clearly is prohibited. On the other hand, a lawyer who recurrently handled a type of problem for a former client is not precluded from later representing another client in a wholly distinct problem of that type even though the subsequent representation involves a position adverse to the prior client. Thus, the reassignment of military lawyers between defense, prosecution, review, claim and legal assistance functions within the same military jurisdiction is not precluded by this Rule.

The underlying question is whether the lawyer was so involved in a particular matter that the subsequent representation can be justly regarded as a changing of sides in the matter in question.

Information acquired by the lawyer in the course of representing a client may not subsequently be used by the lawyer to the disadvantage of the client. However, the fact that a lawyer has once served a client does not preclude the lawyer from using generally known information about that client when later representing another client.

Disqualification from subsequent representation is for the protection of clients and can be waived by them. A waiver is effective only if there is disclosure of the circumstances, including the lawyer's role in behalf of the new client.

Rule 1.9(b) and (c) make clear that the foregoing applies to Army lawyers with respect to the clients whom they previously served while in private practice.

With regard to an opposing party's raising a question of conflict of interest, see Comment to Rule 1.7.

CROSS REFERENCES:

Rule 1.1 Competence
Rule 1.2 Scope of Representation
Rule 1.6 Confidentiality
Rule 1.7 Conflict of Interest: General Rule
Rule 1.16 Declining or Terminating Representation
Rule 2.2 Intermediary

RULE 1.10 Imputed Disqualification: General Rule

(a) Army lawyers working in the same Army law office are not automatically disqualified from representing a client because any of them practicing alone would be prohibited from doing so by Rules 1.7, 1.8(c), 1.9 or 2.2.

(b) When an Army lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless;

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) A disqualification under this Rule may be waived by the affected client under the conditions stated in Rule 1.7.

COMMENT:

The circumstances of military service may require representation of opposing sides by Army lawyers working in the same law office. Such representation is permissible so long as conflicts of interest are avoided and independent judgment, zealous representation, and protection of confidences are not compromised. Thus, the principle of imputed disqualification is not automatically controlling for Army lawyers. The knowledge, actions, and conflicts of interest of one lawyer are not to be imputed to another simply because they operate from the same office. For example, the fact that a number of defense attorneys operate from one office and share clerical assistance, would not prohibit them from representing co-accused at trial by court-martial.

Army policy may address imputed disqualification in certain contexts. For example, Army policy discourages representation by one legal assistance office of both spouses involved in a domestic dispute.

Whether a lawyer is disqualified requires a functional analysis of the facts in a specific situation. The analysis should include consideration of whether the following will be compromised; preserving attorney-client confidentiality; maintaining independence of judgment; and avoiding positions adverse to a client.

Preserving confidentiality is a question of access to information. Access to information, in turn, is essentially a question of fact in a particular circumstance, aided by inferences, deductions or working presumptions that reasonably may be made about the way in which lawyers work together. A lawyer may have general access to files of all clients of a military law office and may regularly participate in discussions of their affairs; it may be inferred that such a lawyer in fact is privy to all information about all the office's clients. In contrast, another lawyer may have access to the files of only a limited number of clients and participate in discussion of the affairs of no other clients; in the absence of information to the contrary, it should be inferred that such a lawyer in fact is privy to information about the clients actually served but not to information of other clients. Additionally, a lawyer changing duty stations or changing assignments within an office has a continuing duty to preserve confidentiality of information about a client formerly represented. See Rules 1.6 and 1.9.

Maintaining independent judgment allows a lawyer to consider, recommend and carry out any appropriate course of action for a client without regard to the lawyer's personal interests or the interests of another. When such independence is lacking or unlikely, representation cannot be zealous.

Another aspect of loyalty to a client is the lawyer's obligation to decline subsequent representations involving positions adverse to a former client in substantially related matters. This obligation requires abstention from adverse representation by the individual lawyer involved, but does not properly entail abstention of other lawyers in the same office through imputed disqualification. Hence this aspect of the problem is governed by Rule 1.9(a).

Rules 1.10(b) and (c) address the imputed disqualification of the Army lawyer's former law firm. These rules indicate that the conflict-of-interest principles in Rule 1.9 do not apply to the law firm except as indicated in these rules.

CROSS REFERENCES:

Rule 1.6 Confidentiality
Rule 1.7 Conflict of Interest: General Rule
Rule 1.8 Conflict of Interest: Prohibited Transactions
Rule 1.9 Conflict of Interest: Former Client
Rule 2.2 Intermediary

RULE 1.11 Successive Government and Private Employment

(a) Except as law may otherwise expressly permit, a lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee. No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless;

(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate Government agency to enable it to ascertain compliance with the provisions of this Rule.

(b) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential Government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom.

(c) Except as law may otherwise expressly permit, a lawyer serving as a public officer or employee shall not;

(1) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or

(2) negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially.

(d) As used in this Rule, the term "matter" includes;

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties, and

(2) any other matter covered by the conflict of interest rules of the appropriate Government agency.

(e) As used in this Rule, the term "confidential Governmental information"means information which has been obtained under Governmental authority and which, at the time this Rule is applied, the Government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.

COMMENT:

This Rule prevents a lawyer from exploiting public office for the advantage of a private client.

A lawyer representing a Government agency, whether employed or specially retained by the Government, is subject to these Rules of Professional Conduct, including the prohibition against representing adverse interests stated in Rule 1.7 and the protections afforded former clients in Rule 1.9. In addition, such a lawyer is subject to Rule 1.11 and to statutes and Government regulations regarding conflict of interest. Such statutes and regulations may circumscribe the extent to which the Government agency may give consent under this Rule.

Where the successive clients are a public agency and a private client, the risk exists that power or discretion vested in public authority might be used for the special benefit of a private client. A lawyer should not be in a position where benefit to a private client might affect performance of the lawyer's professional functions on behalf of public authority. Also, unfair advantage could accrue to the private client by reason of access to confidential Government information about the client or by reason of access to confidential Government information about the client's adversary obtainable only through the lawyer's Government service. However, the rules governing lawyers presently or formerly employed by a Government agency should not be so restrictive as to inhibit transfer of employment to and from the Government. The Government has a legitimate need to attract qualified lawyers as well as to maintain high ethical standards. The provisions for screening and waiver are necessary to prevent the disqualification rule from imposing too severe a deterrent against entering public service.

When the client is an agency of one government, that agency should be treated as a private client for purposes of this Rule if the lawyer thereafter represents an agency of another government, as when a lawyer represents a city and subsequently is employed by a federal agency.

Paragraphs (a)(1) and (b) do not prohibit a lawyer from receiving a salary or partnership share established by prior independent agreement. They prohibit directly relating the lawyer's compensation to the fee in the matter in which the lawyer is disqualified.

Paragraph (a)(2) does not require that a lawyer give notice to the Government agency at a time when premature disclosure would injure the client; a requirement for premature disclosure might preclude engagement of the lawyer. Such notice is, however, required to be given as soon as practicable in order that the Government agency will have a reasonable opportunity to ascertain that the lawyer is complying with Rule 1.11 and to take appropriate action if it believes the lawyer is not complying.

Paragraph (b) operates only when the lawyer in question has knowledge of the information, which means actual knowledge; it does not operate with respect to information that merely could be imputed to the lawyer.

CROSS REFERENCES:

Rule 1.5 Fees
Rule 1.7 Conflict of Interest: General Rule
Rule 1.8 Conflict of Interest: Prohibited Transactions

RULE 1.12 Former Judge or Arbitrator

(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer, arbitrator, or law clerk to such a person, unless all parties to the proceeding consent after disclosure.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer, or arbitrator. A lawyer serving as law clerk to a judge, other adjudicative officer, or arbitrator may negotiate for employment with a party or attorney involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge, other adjudicative officer, or arbitrator.

(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which the lawyer is associated may knowingly undertake or continue representation in the matter unless;

(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom.

(2) written notice is promptly given to the appropriate tribunal to enable it to ascertain compliance with the provisions of this Rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

COMMENT:

This Rule generally parallels Rule 1.11. The term "personally and

APPENDIX G-1: DRAFT MEMORANDUM OF UNDERSTANDING FOR THE USE OF FACILITIES AND REAL ESTATE

DRAFT MEMORANDUM OF UNDERSTANDING FOR THE USE OF FACILITIES AND REAL ESTATE ON COMALAPA AIR BASE, EL SALVADOR

WHEREAS JOINT TASK FORCE (JTF) EAGLE has been formed to provide emergency assistance and support to the Government and people of El Salvador due to the devastation caused by Hurricane Mitch,

WHEREAS the Government of El Salvador desires the JTF-Eagle to provide relief support throughout El Salvador, and the neighboring nations of Nicaragua and Guatemala.

THEREFORE, the Government of El Salvador will provide to JOINT TASK FORCE Eagle at no cost, the following:

1) Unlimited use of 2700x75 foot runway 18/36

2) Use of the open grassy fields to the east and west of the runway for parking US Military helicopters,

3) Use of the "Military Ramp" for the loading and off loading of military aircraft; and temporary storage of aircraft Materiel Handling Equipment on/or near the military ramp,

4) Use of four built facilities on the Air Base, to wit: one empty barracks building; one half of a second facility known as the Mess facility; one-half of the Officer's Club facility; and approximately 500 Square Feet in one of the hangers for Office space,

5) Use of the open field to the east of the empty barracks building, including the soccer field to locate a tent city, to include a specific area secured for communications with up to four 5atellite dish antennas,

6) Use of the open field to the North of the soccer field (where the water storage facility is located) to store materials, equipment and vehicles and potentially install covered storage for humanitarian aid,

7) Use of electrical power, sewage and water connections to the base utility systems, including, but not limited to the connections for the tent city,

8) Security for the protection of property and personnel within JTF-Eagle will be provided by the Government of El Salvador,

9) JTF-Eagle will, at its own expense, be allowed to erect satellite antennas and associated communications equipment at the officers club and the facility known as the Mess facility.

It is understood that military personnel within JTF Eagle will not enter without the permission of appropriate authorities the following base facilities, to wit: the officer housing area, Messing facilities, all Salvadoran airmen barracks, operational and storage facilities.

It is understood that certain facility and real property improvements to support TASK FORCE Eagle operations may occur. These improvements will remain to benefit all future users of the facilities.

APPENDIX G-2: SAMPLE LEASE

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
South Atlantic Division

*Lease No.*DACA01-5-99-382 *ENG*_____

LEASE BETWEEN

CARLOS DESHON D.

AND

THE UNITED STATES OF AMERICA

1. This LEASE, made and entered into this 8 day of December, in the year one thousand nine hundred and ninety eight by and between:

CARLOS DESHON D.

whose address is KM 142 CTA. ~~Corinto~~ CHINANDEGA
Texaco, 100 Meters North
Telephone: (505) 0341-3816

and whose interest in the property hereinafter described is that of OWNER for himself, his heirs, executors, administrators, successors, and assigns, hereinafter called the Lessor, and **THE UNITED STATES OF AMERICA**, hereinafter called the Government:

WITNESSETH: The parties hereto for the considerations hereinafter mentioned covenant and agree as follows:

2. The Lessor hereby leases to the Government the following described premises, viz:

Approximately 6 manzanas of unimproved, fenced land, being adjacent to a former cotton warehouse, Realejo, Nicaragua, Central America, and as shown on Exibit "A", attached;

to be used for the following purpose: U.S. Government purposes.

3. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning **10 December, 1998** through **30 March, 1999**, provided that, unless and until the Government shall give notice of termination in accordance with *provision 9*, hereto.

4. The Government shall pay the Lessor rent at the following rate: **One Dollar ($1.00)**, U. S. Currency, for the lease term.

INITIALS: _____ & _____

5. The Government shall not assign this lease in any event.

6. The Lessor shall furnish to the Government, as part of the rental consideration, the following:

a. The exclusive right to ingress and egress.
b. The right to erect gates and fencing for the purpose of controlling ingress and egress to include only those parties granted access by the Government. Any fencing and or gates erected shall be removed at the termination of this lease, or may be abandoned-in-place, subject to the approval of the Lessor, and or under the terms of this agreement.
c. The right to land and stage helicopters.
d. The right to install temporary lighting.

7. The Government shall have the right, during the existence of this lease, to make alterations, attach fixtures, and erect additions, structures, or signs, in or upon the premises hereby leased which fixtures, additions, or structures, so placed in, upon or attached to the said premises shall be and remain the property of the Government and may be removed or otherwise disposed of by the Government. The Government shall surrender possession of the premises upon the expiration or termination of this lease and, if required by the Lessor, shall within 30 days thereafter, or within such additional time as may be mutually agreed upon, return the premises in as good condition as that existing at the time of entering upon the same under this lease, reasonable and ordinary wear and tear and damages by the elements or by circumstances over which the Government has no control, excepted; provided that, if the Lessor requires the return of the premises in such condition, the Lessor shall give written notice thereof to the Government at least 30 days before the expiration or termination of the lease; and provided further, that should the Lessor give such notice within the time specified above, the Government shall have the right and privilege of making a cash settlement with the Lessor in lieu of performance of its obligation, if any, to restore the real estate, personal property (if any be demised herein), or both real and personal property. Should a mutually acceptable settlement be made hereunder, the parties shall enter into a supplemental agreement hereto effectuating such settlement.

8. The Lessor shall maintain the said premises and property in good repair and tenantable condition during the continuance of this lease, except in case of damage arising from the act or the negligence of the Government's agents or employees. For the purpose of so maintaining the premises and property, the Lessor may at reasonable times approved by the officer in charge, enter and inspect the premises and property, and make any necessary repairs thereto.

9. The Government may terminate this lease at any time by giving (30) days notice in writing to the Lessor.

2

INITIALS: _____ & _____

10. Any notice under the terms of this lease shall be in writing signed by a duly authorized representative of the party giving such notice, and if given by the Government shall be addressed to the Lessor at **KM 142 CTA. Corinto, Texaco 100 Meters North** and if given by the Lessor shall be addressed to **the DISTRICT ENGINEER, U.S. ARMY ENGINEER DISTRICT, MOBILE, ATTN: CESAM-RE-AL, P.O. BOX 2288, MOBILE, AL 36628-0001.**

11. The Lessor warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to deduct the rental or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

12. No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this lease or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this lease if made with a corporation for its general benefit.

13. (a) The Government may, by written notice to the Lessor, terminate the right of the Lessor to proceed under this lease if it is found, after notice and hearing, by the Secretary of the Army or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Lessor, or any agent or representative of the Lessor, to any officer or employee of the Government with a view toward securing a lease or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing, of such lease; provided, that the existence of facts upon which the Secretary of the Army or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this lease is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Lessor as it could pursue in the event of a breach of the lease by the Lessor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary of the Army or his duly authorized representative) which shall not be less than three nor more than ten times the costs incurred by the Lessor in providing any such gratuities to any such officer of employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this lease.

14. The Lessor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall,

3

INITIALS: _____ & _____

until the expiration of three (3) years after final payment of the agreed rental, have access to and the right to examine any directly pertinent books, documents, papers and records of the Lessor involving transactions related to this lease.

15. In case that the Lessor sells the property as referred in this contract, he guarantees that all the rights and responsibilities of the Lessor will be accepted by the new owner as defined in the present contract for the duration of this validity.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date above written.

In presence of:

(Witness) *(Lessor)*

(Witness) *(Witness)* US ARMY CPT. ENG

THE UNITED STATES OF AMERICA

BY: _____
ROBERT L. WILLIAMS, JR.
Realty Specialist
Leasing Section
Acquisition Branch
Real Estate Division
Mobile District

4

INITIALS: _____&_____

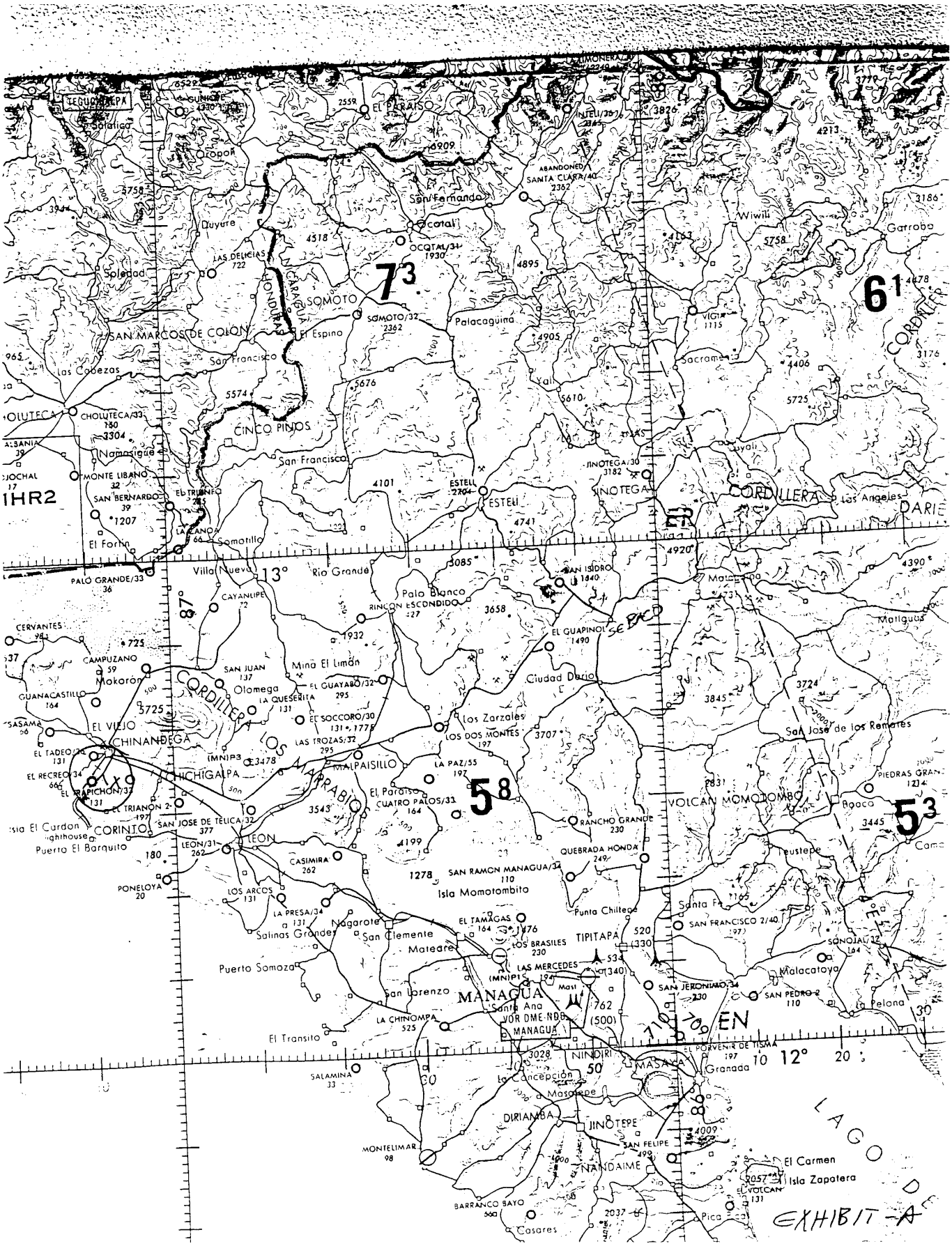
EXHIBIT -A
EL PARAISO
Ocotal
San Fernando
SOMOTO
SAN MARCOS DE COLON
CINCO PINOS
CHOLUTECA
ESTELI
JINOTEGA
CORDILLERA
Los Angeles
Palacaguina
Yali
Sacramento
Wiwili
Garrobo
Villa Nueva
Rio Grande
Palo Blanco
RINCON ESCONDIDO
EL GUAPINOL
Ciudad Darío
Matiguás
Mina El Limón
Olomega
CHINANDEGA
CHICHIGALPA
CORINTO
LEON
MALPAISILLO
Los Zarzales
LOS DOS MONTES
LA PAZ
CUATRO PALOS
RANCHO GRANDE
QUEBRADA HONDA
VOLCAN MOMOTOMBO
Isla Momotombito
Punta Chiltepe
TIPITAPA
MANAGUA
Santa Ana
LA CHINOMPA
Nagarote
San Clemente
Mateare
Puerto Somoza
San Lorenzo
El Transito
SALAMINA
MASAYA
Granada
La Concepción
Masaya
DIRIAMBA
JINOTEPE
NANDAIME
MONTELIMAR
BARRANCO BAYO
Casares
El Carmen
Isla Zapatera
LAGO DE NICARAGUA
Malacatoya
Pelona
Teustepe
San José de los Remates
Boaco
Camoapa
Santa Fe
SAN FRANCISCO
SONOJAL
SAN JERONIMO
SAN PEDRO
Puerto El Barquito
Isla El Cardon
Lighthouse
Las Cabezas
Soledad
Duyure
Somotillo
El Espino
San Francisco
Namasigüe
MONTE LIBANO
SAN BERNARDO
El Formn
PALO GRANDE
CERVANTES
CAMPUZANO
Mokorón
GUANACASTILLO
EL VIEJO
EL TADEO
EL RECREO
EL RAPICHON
EL TRIANON
SAN JOSE DE TELICA
LEON
CASIMIRA
LOS ARCOS
LA PRESA
PONELOYA
SAN JUAN
LA QUESERITA
EL GUAYABO
EL SOCCORO
LAS TROZAS
CUATRO PALOS
SAN RAMON MANAGUA
EL TAMAGAS
LOS BRASILES
LAS MERCEDES
SAN JERONIMO
SAN PEDRO
EL VOLCAN
Pica
Casares
LA CANOA
CAYANLIPE
SAN ISIDRO
ABANDONED
SANTA CLARA
INTELI
EL PARAISO
Solatiga
Tegucigalpa
Choluteca
Namasigüe
Somotillo
Palacaguina
Yali
Sacramento
Wiwili
Garrobo
Ocotal
Duyure
Soledad
Las Cabezas
Villa Nueva
Rio Grande
Palo Blanco
Ciudad Darío
Matiguás
Mina El Limón
Olomega
CHINANDEGA
CHICHIGALPA
CORINTO
LEON
MALPAISILLO
Los Zarzales
LOS DOS MONTES
LA PAZ
CUATRO PALOS
RANCHO GRANDE
QUEBRADA HONDA
VOLCAN MOMOTOMBO
Isla Momotombito
Punta Chiltepe
TIPITAPA
MANAGUA
Santa Ana
LA CHINOMPA
Nagarote
San Clemente
Mateare
Puerto Somoza
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El Transito
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JINOTEPE
NANDAIME
MONTELIMAR
BARRANCO BAYO
Casares
El Carmen
Isla Zapatera
LAGO DE NICARAGUA
Malacatoya
Pelona
Teustepe
San José de los Remates
Boaco
Santa Fe
SAN FRANCISCO
SONOJAL
SAN JERONIMO
SAN PEDRO
Puerto El Barquito
Isla El Cardon

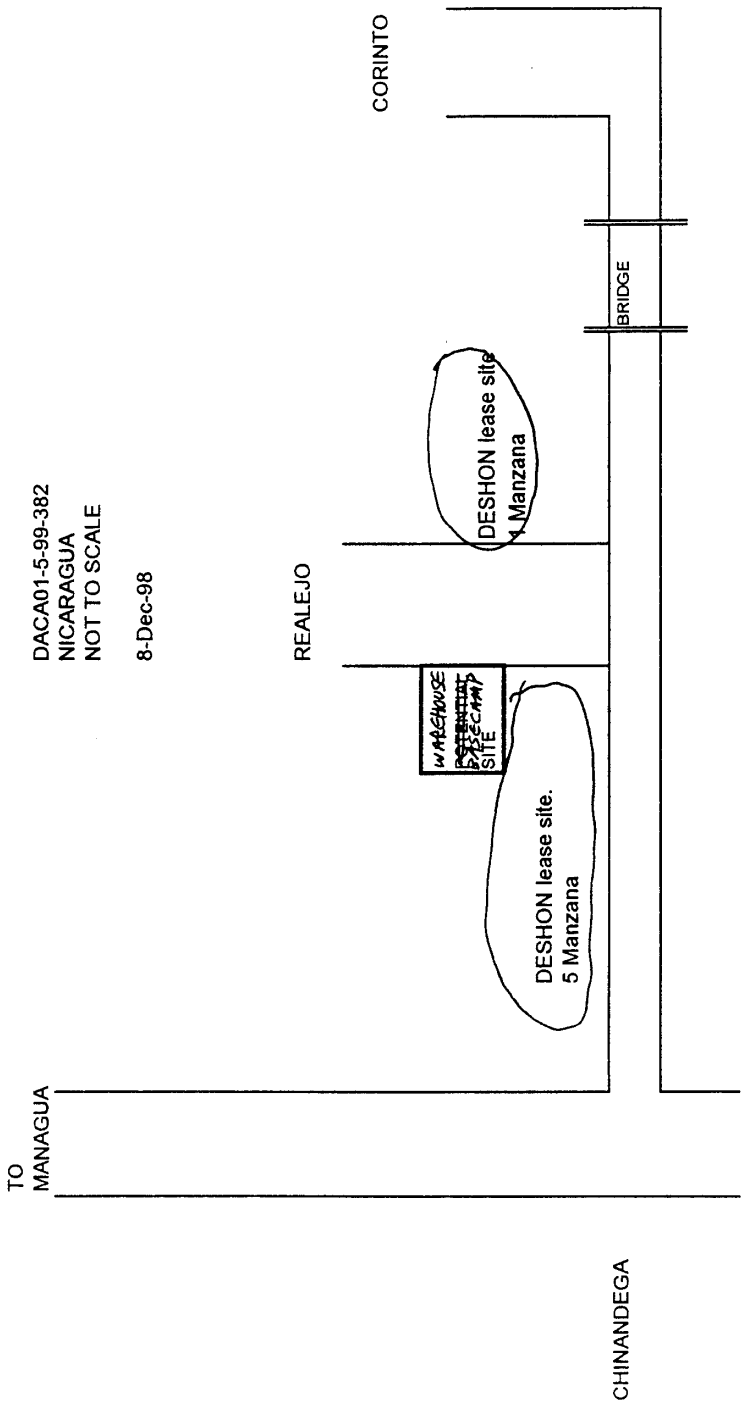

DACA01-5-99-382
NICARAGUA
NOT TO SCALE
8-Dec-98
TO
MANAGUA
REALEJO
WAREHOUSE
SITE
DESHON lease site.
5 Manzana
DESHON lease site
1 Manzana
CORINTO
BRIDGE
CHINANDEGA

EXHIBIT - A

SUPPLEMENTAL AGREEMENT	SUPPLEMENTAL AGREEMENT NO. 1	DATE 9 February 99
	TO LEASE: DACA01-5-99-382	

ADDRESS OF PREMISES 6 manzanas of unimproved, fenced land, being adjacent to a former cotton warehouse, El Realejo, Nicaragua, Central America

THIS AGREEMENT, made and entered into this date by and between:

CARLOS DESHON D.

whose address is KM 142 CTA. Chinandega, Texaco, 100 Meters North
Chinandega, Nicaragua, Central America
Telephone: (505) 341-3816, Fax: (505) 341-0102

hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

WHEREAS, the Lessor has requested payment for certain required restoration to the leased premises (compaction of soils due to heavy equipment staging, see Exhibit "A") in the amount of **$6,479.60** Nicaraguan Cordobas; and,

WHEREAS, it has been administratively determined by representatives of the Government that certain restoration of the leased premises is required, and that **$6,479.60** Nicaraguan Cordobas is within the Government's estimated range for the cost of said restoration;

NOW THEREFORE, theses parties for the consideration hereinafter mentioned covenant and agree that the said lease is amended, effective 9 February 1999, is follows:

1. The U.S. Government shall make an immediate one-time payment to the Lessor in the amount of **$6,479.60** Nicaraguan Cordobas for the purpose of settlement of the restoration claim by the Lessor for use of the leased premises.

2. Upon receipt of payment in the amount of **$6,479.60** Nicaraguan Cordobas the undersigned Lessor, hereby assumes all responsibility for the restoration of the leased premises, and hereby releases and forever discharges the Government of the United States of America, its officers, agents and employees from all claims for damages or for restoration and from all liability that may arise out of said lease and the occupation by the Government of the United States of America, of the leased property.

3. The Lessor acknowledges expiration of the above stated lease, on it's own terms, effective 30 March 1999.

All other terms and conditions of the lease shall remain in force and effect.
IN WITNESS WHEREOF, the parties subscribed their names as of the above date.

LESSOR **CARLOS DESHON D.**

BY: _____ *(Signature)* _____ *(Witness)*

UNITED STATES OF AMERICA

BY _____
DONALD L. BURCHETT

Chief, Real Estate Division
U.S. Army Engineer District, Mobile
Mobile, AL 36628-0001
(Official Title)

APPENDIX G-3: SAMPLE PRE-POSITIONING MOU

**DRAFT MEMORANDUM OF UNDERSTANDING
BETWEEN THE COMMANDER OF THE BASE FILIPE CRUZ
AND THE 219th RED HORSE FLIGHT COMMANDER
REGARDING PRE-POSITIONING OF U.S. EQUIPMENT AND MATERIAL
IN GUATEMALA, BASE FILIPE CRUZ**

Whereas the United States military has deployed personnel, equipment and materials to Guatemala and positioned them at Filipe Cruz Military Base (hereinafter called "the Base") as part of Joint Task Force Aguila, a disaster relief operation in response to Hurricane Mitch;

And whereas Joint Task Force Aguila operations will cease in Guatemala on or about 20 January 1999;

And whereas the United States military will begin New Horizons humanitarian assistance operations on or about 25 February 1999 under the command of the 219th Red Horse Flight Commander (hereinafter "Red Horse Commander");

Therefore, the 219th Red Horse Flight Commander has determined that it is the United States' best interest to leave certain equipment and material used during Joint Task Force Aquila at the Filipe Cruz Military Base in Guatemala so that it may be used during New Horizons operations.

In response to the circumstances described above, commander of the Filipe Cruz Guatemalan Military Base (hereinafter "Base Commander") and the Re-d Horse Commander understand as follows:

1. The Base Commander will permit the Red Horse Commander to store equipment and material on the Base from on or about 20 January 1999 to on or about 25 February 1999.

   a. The equipment and material are listed on the attached document.

   b. The storage site is located between the Base laundry and the Clinic.

2. The Base Commander will allow the Red Horse Commander unimpeded access to the stored equipment and material.

3. Subject to prior logistical coordination, the Base Commander will allow the Red Horse Commander the right to remove the stored equipment and material without restriction on subsequent use. The Red Horse Commander shall have

the right to remove the equipment without undue delay. The Red Horse Commander does not need the Base Commander's approval when deciding whether to remove the stored equipment and material.

4. The Base Commander understands that non-U.S. Military or any civilian force can not convert the equipment and stocks to its own use. In other words, the legal title to all equipment and stocks remains solely vested in the United States Military.

5. The Base Commander understands that all privileges and immunities enjoyed by the U.S. Military will continue to be attached to the stored equipment and material and with personnel working with it. These privileges and immunities result from any international agreement between Guatemala and the United States or any agreement where they have become parties.

6. The Red Horse Commander understands that the Base Commander bears no responsibility for the security of the stored equipment and material, and that the Base Commander can not be held liable for it. The Base Commander understands that he will ensure the security of the stored equipment and material only as far as the Base Commander deems practicable.

The Base Commander and the Red Horse Commander come to this understanding on___ day of January 1999.

_____
Filipe Cruz Base Commander

_____
Lieutenant Colonel Gary Schenk, 219th Red Horse Flight Commander

LIST OF EQUIPMENT AND MATERIAL THAT THE UNITED STATES MILITARY WILL STORE ON FELIPE CRUZ MILITARY BASE PER A MEMORANDUM OF UNDERSTANDING DATED _____ JANUARY 1999

1. One DPRS
2. One Tractor
3. One ISU 90
4. One Pick Up Truck
5. On Bobcat Tractor
6. 52 UGR Module, Dinner
7. 52 UGR Module, Breakfast
8. 234 Cases of MRE
9. 5,600 Gallons of bottled water (21,200 Liters)

APPENDIX G-4: MOA CONCERNING THE WORKING RELATIONSHIP BETWEEN JTF AGUILA AND SECOND AIR BRIGADE

MEMORANDUM OF AGREEMENT CONCERNING THE WORKING RELATIONSHIP BETWEEN JOINT TASK FORCE AGUILA AND THE SECOND AIR BRIGADE

1. OBJECTIVE. The objective of this agreement is to facilitate the operational coexistence of the Second Air Brigade and Joint Task Force Aguila (JTF-A). This agreement is meant to reduce the impact JTF-A's operation will have on the mission of the Second Air Brigade.

2. **POLICIES.**

a. Command and control. The commanders of JTF-A and the Second Air Brigade will maintain control of their respective units.

b. Support Relations. The Second Brigade will provide JTF-A with the following areas, depicted in Annex A, in which it may conduct its mission:

1. Area "A", to the southwest of the officers' club.
2. Area "B", clear area north of hangers 3 and 4 for the billeting of troops and storage of various materiel.
3. Area “C”, runway 18/36, for JTF-A air operations. The areas immediately to the east and west of the runway may be used for the parking of helicopters.
4. Area "D," classrooms southwest corner of hanger 42.
5. Area "E," pavilion #3, north wing of the pavilions.
6. Area "F", north wing of the barracks security group, for troop billeting.
7. Area "G," half of the security group mess hall.
8. Area "H," west of the military ramp. For parking of aircraft, and other associated aircraft operations.
9. Area "I, part of hangar #3, availability subject to operational necessities of the Second Air Brigade.
10. Area "J," clear area between the gas station and clinic.
11. Should JTF-A require more land upon which to conduct its operations, coordination of such a requirement will be made through the Commander, Second Air Brigade.

c. Improvements. JTF-A may make what improvements it deems necessary to the areas allocated to its use.

1 . Such improvements will be at no cost to the Second Air Brigade.
2. Such improvements will revert to the Second Air Brigade at no cost.
3. Any improvements that require alteration of the existing infrastructure will require the prior permission of Commander, Second Air Brigade.

4. Should JTF-A need to expand its allocated area within the Comalapa Air Base, the Commander of JTF-A, or his designee, will coordinate JTF-A's requirements with the Second Air Brigade.
5. Headquarters, JTF-A will establish land line communications with the Headquarters building of the Second Air Brigade. This is to ensure the ability to coordinate issues which may arise unexpectedly.

d. Access to Systems. JTT-A will have access to the Second Air Brigade's electrical power, sewage and water connections.

e. Restricted and Controlled areas. (see Annex B)

1. Restricted areas are described in Annex B. Access to these areas is not allowed. These areas include the fueling systems, logistics storage area and war stocks magazine.
2. Access to controlled areas, namely the HQ building of the Second Air Brigade, will be limited to JTF-A personnel who have business with the Second Air Brigade.

f. Military Ramp. The Second Air Brigade will allow JTF-A to use the military ramp for the loading and off loading of military aircraft and the temporary storage of aircraft Materiel Handling Equipment. Access to the military ramp will be limited to personnel of JTF-A having duties on the ramp, or who are transiting via the ramp.

g. Air Operations

1. To the extent practicable, flight plans will be coordinated between the A-III of the Second Air Brigade and the Air Operations section or-JTF-A.
2. The Second Air Brigade and JTF-A will coordinate air operations to the extent practicable to avoid interference with each other's missions.

h. Personnel. JTF-A will make periodic reports to the Second Air Brigade to inform the Brigade of how many personnel JTF-A maintains on the Comalapa Air Base.

i. Liaison- MAJ Jose Roberto Pena will act as the liaison officer between the Second Air Brigade and JTF-A. JTF-A will appoint a liaison officer.

APPENDIX H-1: CLAIMS PROCEDURE MEMORANDUM

JOINT TASK FORCE AGUILA
UNIT 3105
APO AA 34023

HOC-SJA 25 November, 1998

MEMORANDUM THRU

CHIEF OF STAFF, JOINT TASK FORCE EAGLE

FOR COMMNDER, JOINT TASK FORCE EAGLE

SUBJECT: Claims Procedures within the JOA

1. As our operations increase in frequency and volume, the likelihood of our personnel having an accident with a host nation person or vehicle increases as well. This memo is to present a procedure to handle the claims from host nation nationals as a result of those accidents.

2. The executive agent for the payment of claims is the claims office in USARSO. All claims will be adjudicated in USARSO, and payment will be routed into our JOA from the USARSO claims office.

3. For adjudication to take place quickly and fairly, an adequate investigation must be conducted into each accident in which our troops our involved. The enclosed packet recommends the appointment of a Unit Claims Officer (UCO) in each Battalion Sized unit. It will be the duty of the UCO to investigate each occurrence that results in a claim or might result in a claim. Guidance on how to conduct the investigation is enclosed within the packet. Upon, completion of the investigation, the UCO will forward the results of the investigation to JTF-A command judge advocate (CJA). It will be the responsibility of the CJA to ensure the investigation conforms to the requirements of the USARSO claims office, and to forward the results of all investigations appropriately.

4. Recommend this claims packet be adopted as an SOP within the JOA. Recommend further that this packet be distributed to each company sized element. Recommend briefing all convoy members. POC is the undersigned at DSN- 280-6984, cel 886-5039.

Encl's:
1. Proposed Claims SOP

TIERNAN DOLAN
CPT, JA

2. Accident SOP	Command Judge Advocate

APPENDIX H-2: UNIT CLAIMS OFFICER APPOINTMENT GUIDE

UNIT CLAIMS OFFICER APPOINTMENT GUIDE

I. PURPOSE. To provide information regarding the use of Unit Claims Officers (UCO's) to investigate and document claims incidents on behalf of Foreign Claims Commissions (FCC's) during deployments.

II. INTRODUCTION. Any deployment of U.S. forces into a foreign country (a receiving state) may cause damage to the personnel and property of either the U.S. or the receiving state and its inhabitants. Each unit or large convoy appoints a UCO to investigate and document every incident that may result in a claim against the U.S.

III. INVESTIGATION REQUIREMENT.

A. Prompt and thorough investigations will be conducted on all potential and actual claims against or in favor of the U.S. government. Information must be collected and recorded, whether favorable or adverse. The object of the investigation is to gather, with the least possible delay, the best possible evidence without accumulating excessive evidence concerning any particular fact.

B. Occasions upon which immediate investigations are required include when non-U.S. government equipment is lost or damaged by a U.S. government employee, an actual claim is filed, a receiving state national is killed by the act or omission of a U.S. government employee, or when competent authority so directs.

IV. APPOINTMENT PROCEDURES. Commanders appoint commissioned officers, warrant officers, noncommissioned officers or qualified civilian employees as an additional duty. The appointment orders (Enclosure 1) should instruct the UCO to coordinate with a designated Judge Advocate or attorney who services the UCO's unit. UCO's must seek guidance from servicing JAG attorney at the beginning and before the conclusion of the investigation, whenever the claim is or may be for more than $2,500. Copies of UCO's appointment orders should be forwarded to the appropriate command claims service or servicing claims activity.

V. UCO RESPONSIBILITIES.

A. UCO's should coordinate with the servicing JAG to learn of particular aspects of the mission and receiving state that could cause particular claims problems.

B. UCO's will conduct immediate investigations, scope and duration to depend on the claims incident itself. UCO's will often be required to coordinate their investigations with criminal or safety investigations, which have priority for access to the site and witnesses. Reports of such investigations can be extremely useful to UCO's in their own investigations. In certain cases, the UCO's themselves may be doing the bulk of investigation, and required to safeguard all evidence that may be used in subsequent litigation. To this end, UCO's should interview all possible
witnesses and reduce their statements to writing, secure police reports, hospital records, newspaper accounts, etc. Arrange for translation of all documents as appropriate. It is not necessary that statements are sworn; claims adjudications are administrative matters in which decisions are based upon a preponderance of the evidence. UCO's will consult with the servicing JAG before disposing of any evidence.

C. Reports.

If the incident might have a potential value above $2,500, UCO's complete DA Form 1208 and attach all available evidence for review by the responsible FCC or Affirmative Claims Authority. Insignificant or simple claims with an actual or potential value of less than $2,500 may require only a cover memorandum explaining the attachments, if any, and the UCO's findings. The servicing JAG can provide guidance as to which form is better.

2. The factual circumstances surrounding, the claims incident must be detailed in the claim report, regardless of the format actually used. In vehicular accidents, for example, the questions found at enclosure 2 can be used to develop sufficient factual basis by even an unschooled investigator. UCO's should never make findings or recommendations as to liability or the dollar value of personal injuries in the claims report. These determinations should be left to the responsible judge advocate; and if the UCO feels that something must be said in this regard, the UCO should document this on a separate document to accompany the claims report.

ENCLOSURES

1. UNIT CLAIMS OFFICER APPOINTMENT ORDER
2. INVESTIGATOR'S INTERVIEW CHECKLIST FOR VEHICLE ACCIDENTS.

USE THIS SOP WHENEVER YOU ARE INVOLVED IN AN ACCIDENT WITH A HOST NATION VEHICLE OR DAMAGE CIVILIAN PROPERTY WITH YOUR VEHICLE

1. Assess the danger and threat to you and the convoy.

2. If circumstances permit, stop your vehicle and signal the convoy to stop.
3. Contact your unit headquarters immediately and inform them of the situation.
4. Check for injuries and assess damage if any.
5. Identify the Host Nation persons involved, specifically the identity of any Host Nation injured and the owner of any property damaged.
6. Record their name, phone number and address.
7. If possible, get insurance information.
8. Complete an accident report form when you return to your unit. If time permits, enter the basic information into your vehicle log book before leaving the accident scene. Basic information should include date, time, location (either grid or physical description) and a brief description of what happened.
9. If you are stopped and the situation is deteriorating, take your vehicle and leave the area.
10. If your vehicle is inoperable due to the accident, secure the vehicle and wait for help to arrive. Your vehicle is mission essential property. You may use all force necessary to include deadly force to protect the vehicle from theft or further damage.

THIS SOP IN NO WAY CHANGES THE RULES OF ENGAGEMENT. YOU MAY TAKE ALL NECESSARY AND APPROPRIATE ACTION TO DEFEND YOURSELF AND YOUR UNIT TO INCLUDE DEADLY FORCE.

DEPARTMENT OF THE ARMY
JOINT TASK FORCE AGUILA
COMALAPA, EL SALVADOR
UNIT 3105
APO AA 34023

HOC-SJA 21 November 1998

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Duty Appointment

1. Effective, 1998, 1 LT Manuel Snuffy, Unit Mailing Address, DSN Phone Number, DEROS, is assigned the following duty:

UNIT CLAIMS OFFICER

2. Authority: AR 20-27 para. 2-4c

3. Purpose: As indicated in the applicable directives

4. Period: Until officially released or relieved from assignment.

Special Instructions: this memorandum supersedes all previous appointments to this assignment. Unit claims officer will coordinate all claims investigations with the SJA working in the HQ staff.

JOHN SMITH
CPT, IN
COMMANDING

INVESTIGATOR'S INTERVIEW CHECKLIST

1. PERSONNEL INFORMATION

a. full name
b. birth date
c. social security number
d. unit
e. home address
f. ETS date
g. date eligible to return to home unit (ask about extension)
h. reporting date at new installation, if applicable

2. Driving Experience

a. When did driver start to drive?
b. When did driver first obtain license?
c. Type of license? Get copies
d. Driver's training courses, if any
e. Accident record, if available

3. Vehicle Involved in Accident

a. How familiar was driver with the vehicle? (assigned vehicle? First use?)
b. PMCS records on vehicles
c. History of any repairs
d. Any particular problem with vehicle
   If so, first time problem noticed?

4. The Trip

What were the driver's normal assigned duties

a. Trip part of these duties?
b. Familiar route? Maps provided if not familiar?
c. Who authorized trip?
d. Why was trip authorized
e. How long, was trip expected to take?
f. How much sleep for driver before assuming duties of driving?
h. Who else was in vehicle and where were they sitting?
i. Ask driver to describe trip as it was planned and as it actually happened.
j. Deviations to route? Why? Rest stops? 'Why or why not?
k. If any stops, why and for how long,

5. The Accident

a. If possible visit the accident scene with driven
b. If possible, take the same route as the driver.
c. Have driver describe entire sequence leading to accident
   1. When did driver see other vehicle/person

2. How fast driving at time
3. What, if any, evasive actions did driver take
4. Did other driver see our vehicle

6. Injuries

a. Was our driver injured, or any of his passengers?
b. Names of any other injured parties. (Compare w/ accident report)

7. Witnesses

a. Names of any witnesses known to driver
b. What did witnesses supposedly see?
c. Any oral statements by witnesses recalled by driver?

8. Alcohol/drugs

a. Find out if driver had been drinking anytime during this deployment.
    1. If you suspect the driver had been drinking, advise him of his rights under Article 31 of the UCMJ before proceeding with any further questions.
b. Drug use?
c. Medication?
    1. Name of drug
    2. Get bottle's label if a prescribed medication.
    3. Why was driver taking medication
    4. Affect his driving?

9. Diagrams

Show the driver diagrams if available and ask if they are accurate. If not accurate, have driver explain why.

10. Insurance

a. Consider the following insurance sources, determine if they apply:
    1. Auto Insurance
        a. injured party's own (even if injured party's vehicle not involved)
        b. Ower of automobile
        c. Driver of automobile
    2. Homeowner’s insurance
    3. Property insurance
b. Always get the following information about an insurer:
    1. Full name of company
    2. Address/telephone number of company
    3. Name of adjuster/representative
    4. Amount of claim if one was filed, date filed, and dare of payment.

APPENDIX H-3: MEMORANDUM ON SOLATIA PAYMENTS

DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE AGUILA
APO, AA 34023-0008

JTFA-C (27-20)

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Solatia Payments

1. Task force commanders are authorized to make solatia payments in an amount no greater than $25.00 to local national civilians in the event of an incident or accident involving U.S. Forces. Such payments should be used sparingly and reserved for situations in which immediate payment is required to facilitate the task force mission. Solatia payments are not to be used in lieu of claims procedures.

2. Solatia payments are paid to victims or their families without regard to liability. An offering of solatia seeks to convey personal feelings of sympathy or condolence to victims. Such feelings do not necessarily derive from legal responsibility. Solatia payments are made from operations and maintenance funds. Pay agents are authorized to make payments after approval by the appropriate task force commander.

3. Task force commanders must personally approve individual solatia payments. This authority cannot be delegated.

4. Commanders are not relieved of their responsibility to make victims aware of the opportunity to file a claim against the United States or of the requirement to thoroughly investigate each potential claim. Commanders must immediately report potential claims to their respective judge advocates.

VIRGIL L. PACKETT II
Colonel, JTF Aguila
Commanding

DISTRIBUTION: A

APPENDIX I: INTENTIONALLY BLANK

APPENDIX J-1: US SOUTHERN COMMAND POLICY MEMORANDUM, CONSUMPTION OF ALCOHOL BY OPERATIONS FORCES DEPLOYED IN SOUTHCOM AOR

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
OFFICE OF THE COMMANDER IN CHEF
3511 NW 91 ST AVEN U E
MIAMI, FL 33172-1217

SCCC 20 March 1998

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Southern Command Policy Memorandum - Consumption of Alcohol by Operations Forces Deployed in SOUTHCOM AOR

1. Purpose. To re-state SOUTHCOM policy of no consumption of alcohol by deployed military units performing operational missions or participating in exercises under COCOM or OPCON of U.S. Southern Command.

2. Order. All personnel assigned to units deployed from home station in CONUS or Panama will not consume alcohol while on operations or exercises in the SOUTHCOM AOR.

a. Waiver authority: Only SOUTHCOM component commanders, Joint Task Force commanders, and commander, SOCSOUTH, may waive this restriction with subsequent notification to Headquarters, USSOUTHCOM, ATTN: Deputy Commander in Chief.

b. Exceptions: This restriction does not apply to individuals on temporary duty to directly support SOUTHCOM garrison units or to military personnel providing direct support to U.S. embassies (specifically to include TATS OPGS, CPGS, and JPATS).

3. Commander's Intent: The intent of this policy is to enhance the security, safety, and readiness of small units operating in the high visibility political-military environment of Latin America.

4. Implementation: Alcohol non-consumption policies will be specified in USSOUTHCOM and Service component commander deployment orders. Commander will include alcohol nonconsumption policies in pre-deployment briefings. All alcohol related incidents that occur during operations or exercises will be reported by the most expeditious means available to USSOUTHCOM (ATTN: SCSJA).

C. E. WILHELM
General, U.S. Marine Corps
Commander in Chief, U.S. Southern Command

DISTRIBUTION:
D

APPENDIX J-2: JTF AGUILA COMMANDER'S ORDERS REGARDING THE TREATMENT OF CULTURAL OBJECTS

DEPARTMENT OF DEFENSE
HEADQUARTERS. JOINT TASK FORCE AGUILA
APO. AA 34023-0008

11 December 1998

FOR: All Joint Task Force Aguila Personnel

SUBJECT- Commander's Orders Regarding the Treatment of Cultural Objects

1. Applicability: This order is applicable to all U.S. military and DoD civilian personnel attached, assigned, or under the operational control of Joint Task Force Aguila (JTF-A).

2. Purpose: This order establishes command policy and regulations concerning the conduct of JTF-A personnel within the Joint Operations Area (JOA). Paragraphs 4.a and 4.b of this order are punitive, violations of which are punishable under Article 92, Uniform Code of Military Justice (UCMJ), as failure to obey a lawful order.

3. Background: Cordial relations with our hosts in the JOA remains a top priority. JTFA personnel will obey the orders contained in this memorandum to help preserve and promote these cordial relations.

4. Regulations: The following specific orders are issued to JTF-A personnel. Commanders will inform every member of their command of these orders.

a. JTF-A personnel will not possess, remove, buy, sell, deface, or destroy cultural objects. Cultural objects are movable or immovable objects that people of the host nation consider important to their cultural, national, or historical heritage. Examples of cultural objects include: monuments of architecture, works of art, manuscripts, books and other objects, that are of artistic, archaeological or historical interest.

b. If JTF-A personnel encounter any cultural object, they will notify their chain of command. At the lowest level possible, commanders will notify host nation officials. The incident will be reported to the Joint Task Force Commander (CJTF). The CJTF will then contact proper host nation authorities regarding the cultural object.

VIRGIL L. PACKETT 11
Colonel, JTF Aguila
Commanding

APPENDIX J-3: JTF AGUILA COMMANDER'S POLICY REGARDING MWR ACTIVITIES

DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE AGUILA
APO, AA 34023-0008

11 December 1998

FOR: All Joint Task Force Aguila Personnel

SUBJECT: Commander's Policy Regarding the MWR Activities

1. Applicability: This order is applicable to all U.S. military and DoD civilian personnel attached, assigned, or under the operational control of Joint Task Force Aguila (JTF-A).

2. Purpose: This order establishes command policy and regulations concerning the conduct of JTF-A personnel within the Joint Operations Area (JOA). Paragraphs 4.a and 4.b of this order are punitive, violations of which are punishable under Article 92, Uniform Code of Military Justice (UCMJ), as failure to obey a lawful order.

3. Background: Safe conduct during MWR activities remains a top priority. JTF-A personnel will obey the orders contained in this memorandum to help preserve and promote safety.

4. Regulations: The following specific orders are issued to JTF-A personnel. Commanders will inform every member of their command of these orders.

a. Subject to the approval of the JTF-A Commander or those to whom he delegates authority, personnel may receive passes for MWR activities within designated locations.

b. While on pass and while involved in MWR activities, JTF-A personnel may consume alcohol. However, JTF-A personnel must remember that UCMJ, punitive article 134, prohibits returning to duties incapacitated due to intoxication.

c. Also while on pass and while involved in MWR activities within designated areas, JTF-A personnel may patronize businesses that offer gambling IAW host nation law.

VIRGIL L. PACKETT II
Colonel, JTF Aguila
Commanding

APPENDIX J-4: JTF AGUILA GENERAL ORDER #1

DEPARTMENT OF DEFENSE
HEADQUARTERS. JOINT TASK FORCE - AGUILA
BOX # 3105
ARO AA 34023-0008

REPLY TO A17ENTION OF:

CJTF-A 06 December 1998

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: General Order No. 1

1. TITLE: Prohibited activities of Joint Task Force AGUILA (JTF AGUILA) personnel serving in the Joint Operations Area (JOA).

2. PURPOSE: To prohibit conduct that is to the prejudice of good order and discipline of JTF AGUILA, is of a nature likely to bring discredit upon JTF AGUILA, is harmful to the health and welfare of members of JTF AGUILA, or is essential to preserve US and host nation relations.

3. APPLICABILITY: This General Order is applicable to all US military personnel assigned or attached to JTF AGUILA, and all US civilian personnel serving with, employed by, or accompanying forces assigned or attached to JTF AGUILA. This General Order supersedes any other General Order previously issued.

4. AUTHORITY: The Uniform Code of Military Justice (UCMJ), Title 10 United States Code, section 801 et. seq.

5. PROHIBITED ACTIVITIES:

A. Introduction, purchase, possession, use, sale, transfer, manufacture, or consumption of any alcoholic beverages.

B. Swimming in any body of water within the AOR, to include rivers, lakes, streams, oceans, swimming pools, or any other body of water. Organized MWR activities are exempted from this prohibition.

C. Traveling outside of any base camp alone. All personnel must travel outside base camps in, at minimum, parties of two or more.

D. Before executing any operation, movement, or routine procedure, a documented risk assessment must be performed. Formulation of plans and control measures must be implemented to minimize risk.

6. PUNITIVE ORDER: Paragraph five of this General Order is punitive in nature. Persons subject to the UCMJ may be court-martialed or receive adverse administrative action, or both, for violations of the General Order. Likewise, civilians serving within, employed by, or accompanying JTF Aguila may face criminal prosecution or adverse administrative action for violation of this General Order.

7. USSOUTHCOM standing rules of engagement. as contained in SC Form 166, are in effect.

8. INDIVIDUAL DUTY: All persons subject to this General Order are charged with the duty to become familiar with this General Order and local laws and customs. The JTF Aguila mission places US Armed Forces and civilian personnel into a country whose laws and customs prohibit or restrict certain activities with are generally permissible in the United States. All personnel shall avoid action, whether or not specifically prohibited by this General Order, which might result in, or reasonably be expected to create, the appearance of a violation of this General Order or local law or customs.

9. UNIT COMMANDER RESPONSIBILITIES: Commanders and civilian supervisors are charged with ensuring that all personnel are briefed on the prohibitions and requirements of this General Order. A "pocket card" accompanies these orders which is to be distributed to all troops. Commanders and supervisors are expected to exercise good judgment in reinforcing this General Order.

10. EFFECTIVE DATE: This General Order is effective immediately.

11. EXPIRATION: This General Order will expire when rescinded by JTF AGUILA or higher authority.

12. WAIVER REQUEST: Requests to waive or modify the prohibitions of this General Order should be coordinated with the JTF AGUILA Staff Judge Advocate prior to submission to JTF AGUILA for action.

VIRGIL L. PACKETT II
Colonel, JTF Aguila
Commanding

DISTRIBUTION:
All members of JTF Aguila

APPENDIX K-1: HURRICANE MITCH MILITARY RESPONSE TIMELINE[1]

Mitch's Timeline

26 SEP 1998	Mitch became the 4th strongest hurricane ever with sustained winds of 180 miles per hour.
27 OCT 1998	Mitch stalled off of the coast of **Honduras** until evening 29 OCT.
30 OCT 1998	Mitch moved across **El Salvador**.
01 NOV 1998	Mitch moved across **Guatemala**.
03 NOV 1998	Mitch stalled to a tropical storm and entered the southern Gulf of Mexico. Warms waters rejuvenated Mitch to Tropical Storm level.
05 NOV 1998	Mitch hit southern Florida. Mitch "died" (became extra-tropical) at 1600 hours Eastern Standard Time.

Military Response Timeline

28 OCT 1998	**Phase I EMERGENCY**
28 OCT 1998	Crisis Response Team Activated
30 OCT 1998	USCINCSO Warning Order Released
03 NOV 1998	First US DOD helicopters arrived in Managua, Nicaragua.
05 NOV 1998	USCINCSO Request for Deployment Order (RDO) Released
06 NOV 1998	USCINCSO RDO MOD 1 Released
06 NOV 1998	USCINCSO RDO MOD 2 Released
07 NOV 1998	USCINCSO Crisis Action Team (CAT) Activated
09 NOV 1998	USCINCSO RDO MOD 3 Released
13 NOV 19998	USCINCSO DJTFAC[1] Deployed to Comalapa, El Salvador
16 NOV 1998	TF-Aguila Activated
17 NOV 1998	USCINCSO RDO MOD 4 Released
19 NOV 1998	USCINCSO RDO MOD 5 released
23 NOV 1998	USCINCSO RDO MOD 6 Released
25 NOV 1998	USCINCSO RDO MOD 7 Released
28 NOV 1998	**PHASE II REHABILITATION**
04 DEC 1998	USCINCSO USCINCSO DJTFAC Re-deployed
14 JAN 1999	USCINCSO RDO MOD 8 Released
21 JAN 1999	USCINCSO RDO MOD 9 Released
06 FEB 1999	Last Personnel Leave Guatemala
19 FEB 1998	USCINCSO RDO MOD 10 Released

[1] Deployable Joint Task Force Augmentation Cell. The DJTFAC consists of about 25-35 specially trained staff members. It is a Commander In Chief's (CINC's) rapidly deployable nucleus for standing up a Joint Task Force (JTF). When the JTF stands up, the DJTFAC dissolves (ceases to exist as an entity), though its members stay on with JTF staff.

20 FEB 1999	CJTF-BRAVO Assumes AOR and JTF-Aguila Deactivated
20 FEB 1999	**Phase III RESTORATION**
26 FEB 1999	Crisis Response Team (CAT) Deactivated

APPENDIX K-2: HURRICANE MITCH US GOVERNMENT ORGANIZATIONS TIMELINE

Mitch's Timeline

26 SEP 1998	Mitch became the 4th strongest hurricane ever with sustained winds of 180 miles per hour.
27 OCT 1998	Mitch stalled off of the coast of **Honduras** until evening 29 OCT.
30 OCT 1998	Mitch moved across **El Salvador**.
01 NOV 1998	Mitch moved across **Guatemala**.
03 NOV 1998	Mitch stalled to a tropical storm and entered the southern Gulf of Mexico. Warms waters rejuvenated Mitch to Tropical Storm level.
05 NOV 1998	Mitch hit southern **Florida**. Mitch "died" (became extra-tropical) at 1600 hours Eastern Standard Time.

Government Organizations Response Timeline

23 OCT 1998	US Charge d' Affaires to **Costa Rica**, Richard L. Baltimore III, declared a disaster due to severe flooding.
27 OCT 1998	US Ambassador to **Honduras**, James F. Creagan, declared a disaster.
27 OCT 1998	USAID/OFDA formed their DART(Disaster Assistance Response Team. The DART was led by OFDA's Senior Regional Advisor in Costa Rica. Over the 2-month time period from 27 OCT – 24 DEC 1998,the following numbers of disaster specialists operated in the named countries: • 15 in Honduras • 11 in Nicaragua • 5 in Guatemala • 4 in El Salvador • 4 visited Belize for short period
27 OCT 1998	USAID/OFDA/LAC Regional Advisor and consultant arrived in Honduras. More DART members arrived over days following.
27 OCT 1998	USAID/OFDA/LAC consultant arrived in Guatemala.
28 OCT 1998	**SOUTHCOM Phase I EMERGENCY**
29 OCT 1998	USAID/OFDA/LAC Regional Advisor and three OFDA disaster specialists (DART Team members) arrived in Belize.

29 OCT 1998	US Ambassador to **Nicaragua**, Lino Gutierrez, declared a disaster due to the catastrophic flooding.
29 OCT 1998	US Charge d' Affaires to **Belize**, Joel Danies, declared a disaster.
30 OCT 1998	DART Team members arrived in Nicaragua.
31 OCT 1998	US Ambassador to **Guatemala**, Donald J. Planty, declared a disaster.
31 OCT 1998	DART team departed Belize.
01 NOV 1998	US Ambassador to **El Salvador** declared a disaster.
01 NOV 1998	DART Team member (Miami-Dade disaster specialist) arrived in El Salvador.
28 NOV 1998	**SOUTHCOM PHASE II REHABILITATION**
11 DEC 1998	Last DART member departed El Salvador.
11 DEC 1998	Last DART member departed Guatemala.
19 DEC 1998	Last DART member departed Nicaragua.
20 FEB 1999	**SOUTHCOM Phase III RESTORATION**

APPENDIX K-3: JOINT TASK FORCE AGUILA ORGANIZATION

JTF AGUILA HQ (593D CSG) (IN EL SALVADOR)

1ST POG (PSYOP OPERATIONS GROUP)
46TH CSG (ABN)(JLC)
    C2/380TH MVMT CNTRL TM/330TH MCC
        46TH MATERIEL MGMT TM
        CSSD 69 (HQ) (USMC)
    PAO TM/1ST COSCOM
        CONTINGENCY CONTRACTING TM/1ST COSCOM
        TM 1/129TH POSTAL CO/18TH SSG
        AG TM/18TH SSG
        TM1/126 FI DET/18TH SSG
        SEN TM/93D SIG BDE
55TH MED GRP (JMC)
    86TH MED HOSPITAL (LEVEL III (-) MED FAC)
        THEATER MED MATERIAL MAN CTR
        32D MED DISTR CO(-)
        600 GPH WATER PUR DET (X3)
        146TH AIR EVAC LIAZON TM
        JOINT PATIENT MOVEMENT REQ CTR
        248TH MEDICAL DETACH
        227TH MEDICAL DETACH (SANI)
        498TH MED CO (-) (AIR EVAC)
        (CHPPM) DISEASE SURVEILLANCE TM
93RD SIGNAL BDE (-) HEAVY COMM PACKAGE
    JOINT SYS CNTRL CELL
2/350 CIVIL AFFAIRS TACTICAL SPT TM
HOC (USARSO)

(U)TASK FORCE EL SALVADOR (HQ 593D CSG)

7-101 AV BN (-)
    B/7-101 (5 CH-47)
    A/4-101(-).(3UH-60)
    1/19TH ASOS MET DETACH
621ST AMG TALCE MOG (USAF)
CSSD 69 (HQ) (USMC)

<u>TASK FORCE NICARAGUA</u> (HQ 36TH EN GRP)
(a.k.a. TF BUILD HOPE)

46TH (CBT HVY) ENG BN
- 63RD CSECO
- 55TH EN CO (MGB) CO(+)

93RD SIGNAL DETACH (MEDIUM COMM PACKAGE)
96 CIVIAL AFFAIRS TACTICAL SPT TM
7-101 AV DETACH
- B/7-101 (5 CH-47)
- A/4-101(-).(3UH-60)
- 3/19TH ASOS MET DETACH
- 3/498TH MED PLT(AIR EVAC)
- C/1-502 INF (-)

189TH LTF (CSB) (TACON)
- SEN TM/93D SIG BDE
- 600 GPH WATER PUR DET 69TH CSSD (USMC)
- RATION BREAK POINT TM1/18TH QM DET/530TH S&S BN
- 1ST SLCR PLT/259TH FLD SVC CO
- 2ND WTR TM/364TH QM CO
- 204TH WTR DET/186TH QM CO/530TH S&S BN
- 546TH TRANS CO (-)
  - HQ PLT
  - 1 LT TRANS PLT
  - TM 1/MED TRK PLT
  - TM 1 PLS TRK/126TH TC/7TH TRANS BN
  - 2 POL PLT/364TH QM CO
  - TM 1/380TH MVMT CNTRL TM/330TH MCC
- 659 MAINT CO (-)
  - HQ PLT
    - BASE SHOP
  - TM 2/129 POSTAL DETACH/18TH SSG
  - AG TM/18TH SSG
  - TM 2/126 FI BN18TH SSG

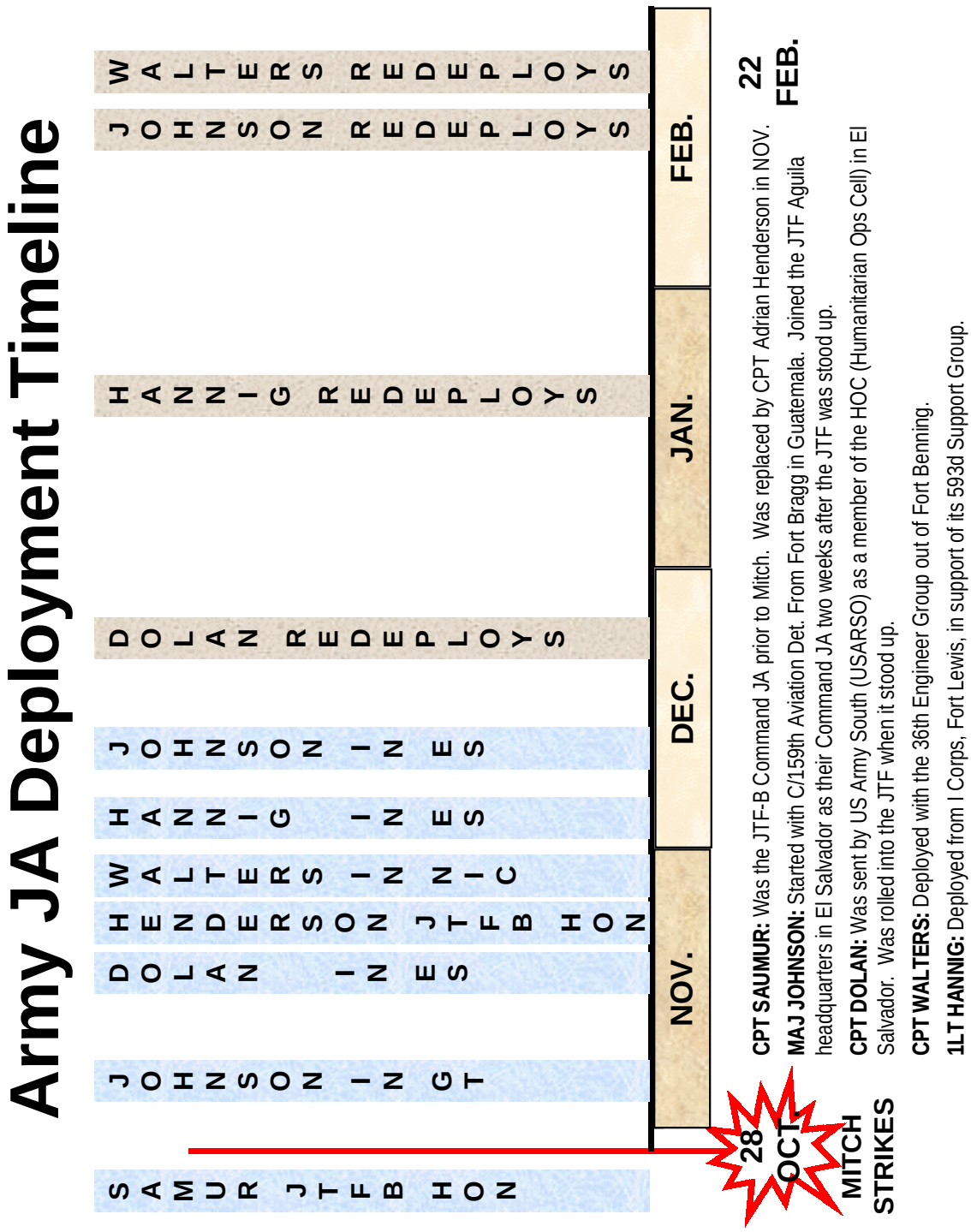
261ST MED BN (-)(TACON)
- ENTOMOLOGICAL PREV MED DETACH (X2)
- 61ST MEDICAL DETACHMENT (SANITATION)
- NAVY ENVIR PREV MED UNIT #2
- SPECIAL PSYCHIATRIC RAPID INTERVENTION TEAM
- 1 AND 2/248TH VETERINARY DET

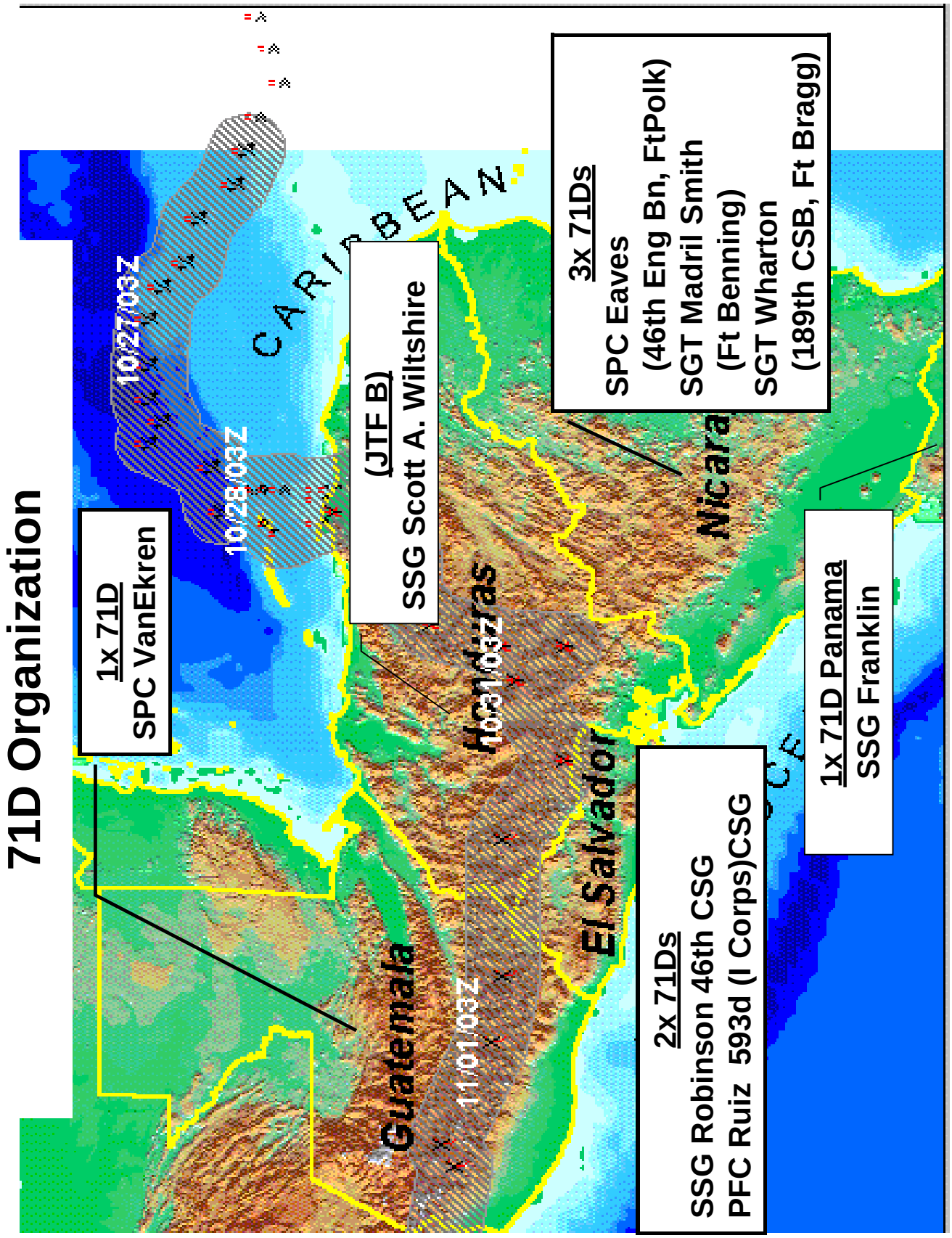
IFR EXPEDITIONARY AIR TRAFFIC CENTER DETACH

<u>TF GUATEMALA</u> (HQ 819/820 RED HORSE SQD (USAF))

819TH/820TH RED HORSE SQD(-)
264TH LTF (CSB) (TACON)
    600 GPH WATER PUR DET (X2)
    SEN TM/93RD SIG BDE
    TM 2/380TH MVMT CNTRL TM/330TH MCC
    364TH QM CO (-)
        HQ, PLT
        GEN SUP PLT
        POL PLT (-)
        WTR PLT (-)
        RATION BREAK POINT TM 2/18TH QM DET/530TH S&S BN
        2ND LT TRANS PLT/546TH TC
        TM 2 PLS TRK/126TH TRANS CO/7TH TRANS BN
    259TH FLD SVC CO(-)
            HQ PLT
            2ND SLCR PLT
        COMPOSITE PLT/659TH MAINT CO/LTF 189 (CSB)
        TM 2/380TH MVMT CNTRL TM/330TH MCC
        TM 3/129TH POSTAL DET/18TH SSG
        TM 3/126TH FINANCE BN
C/159 AV DETACHMENT (FT BRAGG NC) (a.k.a. TF ANGEL)
    (4 CH -47)
    (6 UH-60)
    2/498TH MED PLT(AIR EVAC)(3 UH-60)
    2/19TH ASOS MET DETACH
A/2D MEDICAL BN (USMC)(TACON)
    3/248TH VETERINARY DET
93RD SIGNAL DETACH (MEDIUM COMMUNICATION PACKAGE)
1/350 CA TACTICAL SPT TM

APPENDIX K-4: JUDGE ADVOCATE DEPLOYMENT ORGANIZATION AND TIMELINE


Army JA Deployment Timeline
SAUMUR
JOHNSON
DOLAN
WALTERS
JOHNSON
HANNING
DOLAN
JOHNSON
HANNING
DOLAN
JOHNSON
HANNING
DOLAN
JOHNSON
HANNING
DOLAN
NOV.
DEC.
JAN.
FEB.
28 OCT. MITCH STRIKES
22 FEB.
CPT SAUMUR: Was the JTF-B Command JA prior to Mitch. Was replaced by CPT Adrian Henderson in NOV.
MAJ JOHNSON: Started with C/159th Aviation Det. From Fort Bragg in Guatemala. Joined the JTF Aguila headquarters in El Salvador as their Command JA two weeks after the JTF was stood up.
CPT DOLAN: Was sent by US Army South (USARSO) as a member of the HOC (Humanitarian Ops Cell) in El Salvador. Was rolled into the JTF when it stood up.
CPT WALTERS: Deployed with the 36th Engineer Group out of Fort Benning.
1LT HANNIG: Deployed from I Corps, Fort Lewis, in support of its 593d Support Group.


71D Organization
1x 71D
SPC VanEkren
10/27/03Z
10/28/03Z
CARIBBEAN
(JTF B)
SSG Scott A. Wiltshire
3x 71Ds
SPC Eaves
(46th Eng Bn, FtPolk)
SGT Madril Smith
(Ft Benning)
SGT Wharton
(189th CSB, Ft Bragg)
Nicara
Honduras
Guatemala
11/01/03Z
El Salvador
1x 71D Panama
SSG Franklin
2x 71Ds
SSG Robinson 46th CSG
PFC Ruiz 593d (I Corps)CSG

APPENDIX K-5: JTF AGUILA CJA CONTINUITY FILE

Note: Below is the outline, or contents list, for the continuity file created by MAJ Dale N. Johnson, the command judge advocate for Task Force Aquila. It is included as a reminder that keeping log books and continuity files is critical, as an example of the sorts of items that should be included in continuity books and files, and because it highlights the types of issues that were faced in this disaster relief operation. From this list, only the continuity *Checklist for JTF SJA* is included in this appendix. Other documents listed below may be found as other appendices to this book.

SJA Continuity File

Table of Contents

1. Checklist
2. Points of Contact
3. New Horizons Legal Support Guidance
4. ROE/Human Rights Policies and Procedures
5. Guatemala Mutual Defense Assistance Treaty
6. Guatemala Proposed DIPNOTE (Diplomatic Note)
7. Nicaragua DIPNOTE
8. El Salvador DIPNOTE
9. El Salvador Health Care Agreement
10. Honduras Bilateral Military Assistance Agreement
11. DOD DIR 5530.3—International Agreements
12. Comalapa (El Salvador) Draft Base Use MOU
13. San Jose (Guatemala) Draft Base MOU
14. Invitational Travel Order (Blanket Waiver)
15. Guatemalan Airborne Operations With US Forces Info. Paper
16. Free Mail/Unit Funds Info. Paper
17. US Rations for Host Nation Personnel Legal Opinion
18. PX Privileges For Host Nation Personnel Legal Opinion
19. Distribution of Excess Class I Legal Opinion

20. Compensatory Leave For Deployed Personnel Info. Paper
21. UCMJ Authority—SC Reg. 27-5 (Extract)
22. JTF-A UCMJ Withholding Policy
23. JTF-A General Orders
24. JTF-A Cultural Objects Policy
25. JTF-A Operations Safety Policy
26. JTF-A Comalapa Off-Limits Policy
27. Simplified Acquisition Threshold for Hurricane Mitch Ops
28. JTF-A Mgmt./Contracting Guidance
29. JTF-A Funding FLow
30. Locally Purchased Awards Legal opinion
31. Comalapa Air Base Engineer Projects Legal Opinion
32. Sample Legal Assistance Flyer
33. Customs Guidance on Cuban Imports
34. USARSO Claims Processing Guide
35. JTF-A Claims SOP
36. Sample Claims Processing Documents
37. SJA AARs

Checklist for JTF SJA

As of 27 January, 1999

CK	#	ACTION
		PERSONNEL REQUIREMENTS
		One O-4 operational law attorney at JTF Headquarters; one O-3 attorney at each subordinate country task force; one O-3 trial defense attorney co-located with JTF headquarters; one MOS 71D (E-5 - E-7) at JTF Headquarters; one MOS 71D (E-1 - E-4) assigned to each attorney. As a last resort, TDS services can be obtained through USATDS-USARSO (Panama), DSN: (313)288-3636.
		EQUIPMENT REQUIREMENTS
		One Pentium laptop computer per attorney with fax modem, CD ROM drive, ethernet card, MS Office, Formflow, LAAWS legal assistance software; Internet capable, and dial-up e-mail, printer; floppy disks; file folders; digital camera; notary seal; file holder; 3-ring binders; stapler; staple puller; pens, highliters; pencils; dictionary; calculator; note paper; printer paper; JAG Corps Personnel directory; listing of e-mail addresses for home station SJA offices and other POCs.
		DOCUMENT REQUIREMENTS
		LAAWS (CD ROM); DA Electronic Library, EM OOO1 (CD ROM); AR 27-10; AR 15-6; AR 735-5; Operational Law Handbook (JA 422); MCM; AR 25-50; AR 27-20; DA PAM 162; AR 635-200; AR 600-8-24; AR 600-20; AR 600-8-22; AR 601-280; AR 600-8-2; AR 600-37; AR 190-11; AR 27-26, DODI 5530.3; Applicable SOFA and current DIPNOTE for each country; U.S.C. sections pertaining to applicable operational fund sources; SOUTHCOM REG 27-5; Standing SOUTHCOM ROE; SOUTHCOM REG 1-20.
		PREDEPLOYMENT COORDINATION
	1	SJA, U.S. SOUTHCOM, DSN: (312) 567-1304; USCSJA@hq.southcom.mil.
	2	SJA, USARSO, DSN: (313) 288-3621; dmccallum@usarso-lan1.army.mil.
	3	Obtain phone and e-mail contacts for all other deployed attorneys and their SJAs.
	4	Establish Liaison with CLAMO, DSN 934-6339; RandoT@hqda.army.mil.
	5	Obtain MILGRP/Embassy legal POC for each country from OSJA, U.S. SOUTHCOM.
	6	Obtain funding guidance from the JTF operation executive agent (J-8/DCSRM USARSO).
	7	Identify U.S. Code sections pertaining to all applicable fund sources.
	8	Verify that base orders attach all JTF personnel and for administrative and UCMJ purposes.

	9	Obtain all applicable treaties and DIPNOTES from OSJA, U.S. SOUTHCOM.
	10	Ensure all deployed personnel receive SOUTHCOM mandated ROE and Human Rights training.
		DAILY OPERATIONS
	1	Establish daily log of significant activities (DA form 1594).
	2	Establish a filing system by legal function.
	3	Obtain Staff Battle Rhythm
	4	Attend Daily Briefings
	5	Establish daily e-mail or telephonic contact with attorneys in each country task force.
	6	Schedule weekly JTF CDR (CG appointment) to discuss private legal matters.
	7	Prepare weekly SITREP for U.S. SOUTCOM SJA; cc to USARSO & Supporting OSJAs.
	8	Copy all records for historical files.
		INTERNATIONAL LAW
	1	Review Applicable Treaties/DIPNOTES
	1a	Guatemala--Mutual Defense Assistance Treaty (TIAS 3283,18 June 1955); No DIPNOTE.
	1b	Nicaragua--DIPNOTE No. 230 (7 NOV 1998).
	1c	Honduras--Bilateral Military Assistance Agreement (20 May 1954) w/ Protocols I, II, &III (20 May 1985).
	1d	El Salvador--DIPNOTE No. 652 (13 NOV 1998); U.S. Personnel Health Care Agreement (7 NOV 1991).
	2	Draft MOU for host nation base support.
	2a	Review DoD Instruction 5530.3 pertaining to international agreements.
	2b	Coordinate draft with OSJA U.S. SOUTHCOM.
	3	Monitor compliance with host nation and U.S. environmental law.
	4	Obtain host nation tort legal standards for claims from MILGRP/Embassy legal POC.
	5	Establish ROE/Human Rights Training Plan.
		ADMINISTRATIVE LAW
	1	Coordinate with J-3 Air for Blanket Invitational Travel Orders for U.S.and Host Nation civilians to travel aboard U.S. Army Aircraft.
	2	Advise AR 15-6 Investigating Officers.
	3	Review legal standards and JTF policy for evacuation of remains from JOA.
	4	Review aircraft pre-accident plan for compliance with applicable safety regulations.
		MILITARY JUSTICE
	1	CinC, U.S. SOUTHCOM is JTF GCMCA.
	2	JTF CDR is designated SPCMCA & SCMCA over all service

		component personnel per U.S. SOUTHCOM REG 27-5, 1 AUG 95, para. f.
	3	JTF CDR has Article 15 Authority over all service component personnel per U.S. SOUTHCOM REG 27-5, 1 AUG 95, para. f.
	4	Report all UCMJ cases to SJA, U.S. SOUTHCOM, DSN: 567-1305, COMM: (305)467-1305.
	5	Establish justice issue reporting system for JOA.
	6	Establish senior NCO/Officer misconduct withholding policy for JOA.
	6a	Obtain withholding policies from home stations jurisdictions.
	6b	Ensure reporting to home station commanders in accordance with local policy.
	7	Ensure subordinate field grade officers administer Article 15 punishment.
	7a	JTF CDR is appellate authority, where possible, to avoid the need to forward to CinC U.S. SOUTHCOM on appeal.
	8	Forward LORs to GO for OMPF filings per AR 600-37.
	9	Establish TDS circuit for visits throughout the JOA.
		FISCAL LAW
	1	Read Chapters 11 & 12, Operational Law Handbook (JA 422).
	2	Identify all sources of funding for each phase of task force operations.
	3	Obtain U.S.C. sections pertaining to each fund source.
	4	Obtain MACOM funding guidance for all phases of the operation.
	5	Establish liaison with J-8 and KO.
	6	Review all contractual commitments.
	7	Ensure all funds are expended for proper purpose.
	8	Clarify uncertainties with the contract law department, TJAGSA.
	9	Coordinate legal opinions with the executive agent OSJA (USARSO SJA).
		LEGAL ASSISTANCE
	1	Review AR 27-26.
	2	Pass all justice issues to TDS counsel.
	3	Ensure will and POA software is available.
	4	Publicize availability of services.
		CLAIMS
	1	Obtain FCC appointment orders from USARSO, Claims, DSN: (313) 288-3610, pkey@usarso-lan1.army.mil.
	2	Identify a pay agent funded with claims funds.
	3	Ensure each unit appoints a unit claims representative.
	4	Distribute claims SOP including investigation instructions and POCs to each unit claims rep.
	5	Ensure each JTF vehicle is equipped with a (Spanish translation) instruction memorandum to be given to potential claimants.
	6	Collect potential claims information from unit claims representative.
	6a	Ensure potential claimant understands the claims filing process.
	7	Process Claims.

	7a	Obtain SF 95 from claimant.
	7b	FAX completed SF 95 to USARSO Claims, DSN: (313) 288-3610.
	7c	Provide claimant acknowledgement letter.
	7d	Obtain investigation and associated documents.
	7e	Determine host nation legal standards.
	7f	Adjudicate claim.
	7g	Complete Small Claims Certificate (DA Form 1668)--Under $1,000; or 7 paragraph memorandum--Over $1,000.
	7h	Complete Settlement Agreement and Payment Report in lieu of DA Form 1666.
	7I	Complete SF 1034 and provide to pay agent for payment.
	8	Copy all claims files.
	9	Forward completed claims to USARSO, Claims.
	10	Maintain JOA Claims tracking chart.
	11	Develop JTF Solatia payment policy.

POC for this document:
MAJ Dale Johnson
HQ, XVIII Airborne Corps and Fort Bragg
Fort Bragg, N.C. 28307-5000
Johnsod1@bragg.army.mil; djscout@hotmail.com
COMM: (910) 396-4113/2405/2511 (X-112); DSN: 236-4113/2405

APPENDIX L-1: RESERVE UNITS PROVIDING LIFT CAPABILITY

PHASE I - RESERVE UNITS PROVIDING LIFT CAPABILITY WERE:[1]

Air Force Reserve:

94th Airlift Wing, Atlanta, GA
302nd Airlift Wing, Colorado Springs, CO
349th Air Mobility Wing, Travis AFB, CA
403rd Airlift Wing, Biloxi, MS
437th Airlift Wing, Chicopee, MA
439th Airlift Wing, Springfield, MA
440th Airlift Wing, Milwaukee, WI.
443rd Airlift Wing, San Antonio, TX
445th Airlift Wing, Dayton, OH
446th Airlift Wing, Tacoma, WA
452nd Airlift Wing, Riverside, CA
459th Airlift Wing, Camp Springs, MD
514th Air Mobility Wing, McGuire Air Force Base, NJ
910th Airlift Wing, Youngstown, OH
914th Airlift Wing, Niagara Falls, NY
934th Airlift Wing, Minneapolis, MN

Air National Guard:

117th Air Refueling Wg, Birmingham, AL
137th Airlift Wing, Oklahoma City, OK
143rd Airlift Wing, Providence, RI
146th Airlift Wing, Point Mugu, CA
159th Fighter Wing, New Orleans, LA
165th Airlift Wing, Savannah, GA
167th Airlift Wing, Martinsburg, WV
172nd Airlift Wing, Jackson, MS
189th Airlift Wing, Little Rock AR

Navy and Marine Corps Reserve:

Naval Air Reserve Fleet Logistics Support Squadron 53, Camp Springs, MD
Naval Air Reserve Fleet Logistics Support Squadron 54, New Orleans, LA
Naval Air Reserve Fleet Logistics Support Squadron 62, Brunswick, ME
Marine Aerial Refueler Transport Squadron 452, Marine Aircraft Group 49, 4th Marine Aircraft Wing, Newburgh, NY

[1] DoD News Briefing, Wednesday, November 25, 1998, Defense Link-US Department of Defense, "Department of Defense Ships Aid for Central America."

APPENDIX L-2: NEW HORIZONS (CENTRAL AMERICA AND CARIBBEAN) (19 AUGUST 1999) FY 99 WRAP-UP[1]

1. Number of Exercises: 7

2. Countries: Dominican Republic (DR), Honduras (HO), El Salvador (ES), Guatemala (GT) and Nicaragua (NU)
   a. ARNG Leads: NH99(HO)-01, NH99(HO)-02, NH99(DR) and NH99(NU)
   b. USAR Leads: NH99(GT)-01, NH99(GT)-02 and NH99(ES)
      (1) Guatemala - the lead unit: 983d Engineer Group (OH)
      (2) El Salvador - lead unit: 844th Engineer Group (TN)
      467th Engineer Battalion (TN)
   c. Forward Command Element: 117-person command and control headquarters at Soto Cano AB, designed to administer exercises in El Salvador, Guatemala and Nicaragua. Reports directly to CNCSOUTH. Commanded by an ARNG general officer. Deputy commander provided by USAR. Remaining positions filled by ARNG, USAR and ANG soldiers and airmen.

3. ARNG Forces:

a. Total Number of States Involved:	1
b. Total Number of ARNG Units:	126
(1) ARNG Engineer Battalions:	11
c. Total Number of ARNG Soldiers:	12,560
d. ARNG Daily Average Deployed:	1,700

4. USAR Forces:

a. Total Number of USAR Units:	110
(1) USAR Engineer Battalions:	7
b. Total Number of USAR Soldiers:	7,700
c. USAR Daily Average Deployed:	700

5. Other US Participation:

a. USAF, ANG and AFRC:	981
b. Navy:	56
c. USMC:	830
Total US Forces Participating:	20,340

6. Exercise Scope:
   a. Vertical: 33 schools, 11 clinics, 25 wells
   b. Horizontal: 52 road/bridge projects. 208km of roadway re-opened

APPENDIX L-3: NEW HORIZONS HONDURAS-01 (NH99HO-01, 13 FEB – 8 MAY 1999) – JTF SULA[1]

ARNG Forces:
1. Exercise Location: Near El Progresso, Honduras
2. Exercise Designation: NH99(HO)-01
3. Construction Rotations: Six company-size engineer rotations
4. Exercise Active Dates: 1 Jan - 20 Jun 99
5. Task Force Commander: LTC Clay Lassiter, MSARNG, EN (Title 10 AGR) (Deputy Commander, Exercise Support Command, USARSO)
6. Lead States: South Carolina & Mississippi
7. Total Number of States Involved: 22
8. Total Number of ARNG Units: 25
9. Total Number of ARNG Soldiers: 2,782

USAR Forces:
1. Army Reserve (SOCOM):
   a. Civil Affairs 13
   b. PSYOPS 13

Other US Participation:
1. Air Force Reserve Civil Eng.Squadrons
2. Red Horse Engineers: 421

Total US Forces Participating: 3,229
Daily Average Footprint: 450

Allied Nation Participation:
1. Honduran Infantry
   a. security forces: 37
   b. engineers: 19

Exercise Scope:
1. Vertical: Construct four schools, three clinics and one latrine.
2. Drill four water wells, one bridge, and conduct three Medical Readiness Training Exercises (MEDRETE).

ARNG States/Units:	Soldiers
Alabama	1,087
122 ASG	832
167 ASG	45
231 MP Bn	210
Arizona	6
123 PA Det	6
California	11
223 MI Bn	11
Illinois	6
139 PA Det	6
Maryland	5
29 PA Det	5
Minnesota	35
134 Med Bn (MEDRETE)	35
Mississippi	557
367 CS Co	1
890 EN Bn	556
New Hampshire	6
114 PA Det	6
New Jersey	58
50 CS	58
New York	102
3-142 AV Det	102
Oklahoma	65
700 CS Bn	65
Pennsylvania	6
109 PA Det	6
Puerto Rico	35
192 Med Bn (MEDRETE)	35
South Carolina	641
111 Sig Bn	87
122 EN Bn	528
265 QM Co	26
Tennessee	134
771 CS Co	118
Utah	19
141 MI Bn	19
Washington	3
341 MI Bn	3
West Virginia	6
196 PA Det	6
USAR Units:	
431 CA Co (AR)	13

10th PSYOPS (MO)	13

AFRC Units:

452 CES (CA)	230
910 CES (OH)	55
913 CES (PA)	55
439 CES (MA)	55
307 Red Horse (TX/LA)	26

APPENDIX L-4: NEW HORIZONS HONDURAS-02 (NH99HO-02, 21 FEB – 8 AUG 1999) – JTF AGUAN ARROW[1]

ARNG Forces:
1. Exercise Location: Coyoles, Honduras
2. Exercise Designation: NH99(HO)-02
3. Construction Rotations: 12 company-size engineer rotations from 21 Feb-8 Aug 99
4. Exercise Active Dates: 30 Jan - 22 Jun 99
5. Task Force Commander: LTC Layton, MOARNG, EN (Title 32 AGR) (Commander, Camp Clark and Crowder Training Facilities)
6. Lead States: Louisiana & Missouri
7. Total Number of States Involved: 12
8. Total Number of ARNG Units: 30
9. Total Number of ARNG Soldiers: 3,902

ANG Forces:
1. Civil Engineering and Comms. Squadrons 447

USAR Forces:
1. Army Reserve (SOCOM):
   a. Civil Affairs 60

Other US Participation:
Total US Forces Participating: 4,464
Daily Average Footprint: 550

Allied Nation Participation:
1. Honduran Infantry
   b. security forces & engineers: 50

Exercise Scope:
1. Horizontal: Repair or reconstruct three bridges, nine culvert crossings, and other repairs over 185km of roadway. Drill five water wells.
2. Vertical: Build two schools and two clinics and conduct four Medical Readiness Training Exercises (MEDRETE)

ARNG States/Units:	Soldiers
Alabama	60
168 EN Co	60
Arizona	224
258 EN Co	135
855 MP Co	99
Connecticut	12
247 EN Det	12
Illinois	35
205 ASMB	35
Iowa	35
334 CS Bn (MEDRETE)	35
Louisiana	1,681
A/111 ASMB	155
1-244 AV Bn	114
3671 CS Co	77
199 CS Bn	36
773 CS Bn	50
205 EN Bn	280
527 EN Bn	140
528 EN Bn	140
769 EN Bn	280
225 EN Gp	30
239 MP Co	99
1086 TC Co	48
Troop Command	72
Massachusetts	50
180 EN Det	50
Missouri	1,305
205 ASMB	35
735 MSB	50
235 EN Det	50
220 EN Co	135
110 EN Bn	270
203 EN Bn	420
1140 EN Bn	140
135 EN Gp	30
1137 MP Co	40
1139 MP Co	40
2175 MP Co	80
Nebraska	413
67 CS Bn	413
North Dakota	20
164 QM Det	20
Texas	60

111 MD BN	60
Utah	85
117 EN Det	50
19 SFG	35
Wisconsin	6
132 CS Bn	6

ANG States/Units:	Airmen
Louisiana	
236 CBCS	202
159 MDS	35
Missouri	
239 CBCS	70
Wyoming	
153 CES	30
Others:	
122 CES	30
129 CES	30
150 CES	30
202 RHS	10
203 RHS	10

APPENDIX L-5: NEW HORIZONS DOMINICAN REPUBLIC-02 (NH99DR-02, 2 APR – 6 AUG 1999) – JTF CARIBBEAN CASTLE[1]

ARNG Forces:
1. Exercise Location: vic. Monte Plata, DR
2. Exercise Designation: NH99(DR)
3. Construction Rotations: 9 company-size engineer rotations from 3 Apr – 6 Aug 99
4. Exercise Active Dates: 1 Mar - 20 Aug 99
5. Task Force Commander: LTC Ed Sweeney, ALARNG, EN (Title 32 AGR) (Commander, 1343 EN Bn)
6. Lead State: Alabama
7. Total Number of States Involved: 12
8. Total Number of ARNG Units: 29
9. Total Number of ARNG Soldiers: 2,804

USAR Forces:
1. USAR Civil Affairs

US Marine Corps Reserve:
1. Engineers

Other US Participation:
1. MEDRETE
2. 56 Sig Bn 45

Total US Forces Participating: 3,044
Average Daily Footprint: 400

Allied Nation Participation:
1. Dominican Armed Forces (security forces) 30

Exercise Scope:
1. Vertical: Construct eight schools, replace a bridge and conduct three Medical Readiness Training Exercises (MEDRETE)

ARNG States/Units:	Soldiers
Alabama	1,366
131 AV Bn	125
1133 Med Co (AA)	72
167 COSCOM	25
186 CSE	135
200 EN Bn	30
877 EN Bn	480
1203 EN Bn	54
1343 EN Bn	480
1169 EN Gp	62
231 MP Bn	9
20 SFG	4
62nd Troop Command	12
Arizona	52
C/111 ASMB	52
California	33
649 MP Co	33
Connecticut	222
242 EN Bn	90
143 MP Co	132
Delaware	81
945 CS Co	13
198 Med Co (MEDRETE)	35
153 MP Co	33
Georgia	480
878 EN Bn	480
Kansas	50
170 CS Co	13
995 CS Co	13
174 CS BN	24
North Dakota	54
136 QM Co	54
South Carolina	110
228 SC BDE	110
South Dakota	64
1742 TC Co	64
Virginia	40
229 MP Co	40
Wisconsin	130
32 MP Co	64
132 CS Bn	64
USAR Units:	
350 CA BDE (Florida)	10

MARFORRES:

6 ESB, 4 FSSG (Michigan)	200
4 Med Bn, 4 FSSG (California)	15
4 Dental Bn, 4 FSSG (Georgia)	15
Det 4, CA Gp, (Washington DC)	10

APPENDIX L-6: NEW HORIZONS NICARAGUA (NH99NU, 17 APR – 4 SEP 1999) – JTF ESTELI[1]

ARNG Forces:
1. Exercise Location: vic. Esteli'
2. Exercise Designation: NH99(NU)
3. Construction Rotations: 6 company-size engineer Rotations from 29 May – 21Aug 99
4. Exercise Active Dates: 17 Apr - 4 Sep 99
5. Task Force Commander: LTC Alan Rogers, OHARNG (Commander, 216th EN Bn)
6. Lead State: Ohio
7. Total Number of States Involved: 7
8. Total Number of ARNG Units: 15
9. Total Number of ARNG Soldiers: 2,050

ANG Forces:
1. Civil Engineers

USAR Forces:
1. CA
2. Medical

US Marine Corps Reserves:
1. Engineers

Other US Participation:
1. 256 Signal Co 108

Total US Forces Participating: 2,400
Average Daily Footprint: 438

Allied Nation Participation:
1. Nicaraguan Armed Forces (security forces)

Exercise Scope:
1. Vertical: Construct three schools, three clinics. Drill four wells and conduct five Medical Readiness Training Exercises (MEDRETE)

ARNG States/Units:	Soldiers
Alabama	1,366
Florida	32
743 Maint Co	20
Det 3, STARC (MED)	11
Illinois	36
Mississippi	507
223 EN Bn	507
Montana	22
Det 3, STARC (MED)	22
Ohio	738
216 EN Bn	357
372 Maint Co	49
135 MP Co	188
641 QM Det	36
1485 Trans Co	98
STARC-OH	8
Pennsylvania	389
328 FSB	389
Puerto Rico	151
D/3-142 AV	151
Composite:	
AA Co (Various Sts)	12
Medical Company	52

ANG States/Units:	Airmen
California	
144 CES	30
Nevada	
890 RHS	52
Oregon	
142 CES	31

USAR Units:	
445 CHS and various others (FL)	175
Civil Affairs	32

MARFORRES:	
6 ESB, 4 FSSG (OR)	150
CSS Det, 4 FSSG (Composite)	123
Det 4, CA Gp, (Washington DC)	10

APPENDIX L-7: FORWARD COMMAND ELEMENT (FCE) (15 MAR – 29 SEP 1999)[1]

1. Command Post Location: Soto Cano AB, Honduras
2. Element Designation: FCE
3. Mission: Commands and controls Expanded NEW HORIZONS Exercises in Guatemala, El Salvador and Nicaragua
4. Element Active Dates: 15 Mar - 29 Sep 99
5. FCE Commander: BG James Caldwell, OHARNG, (Deputy STARC Commander)
6. Lead: Joint RC Command
7. Total Number of States Involved: 26 (incl. Puerto Rico)
8. Total US Forces Participating: 92
   a. ARNG: 58
   b. USAR: 28
   c. USA: 2
   d. Other US Participation:
      (1) USNR 1
      (2) Civilian 3
9. Allied Nation Participation: N/A
10. Average Expected Daily Footprint: 92

APPENDIX L-8: OHIO NATIONAL GUARD JUDGE ADVOCATE ROTATIONS[1]

Rotation#	Period	JAG Officer & Business Telephone Number
1	May 29 – Jun 12	MAJ Jesse Green 937-547-7380
2	Jun 12 – Jun 26	None
3	Jun 26 – Jul 10	COL John Brant 614-644-2613
4	Jul 10 – Jul 24	MAJ James Grey Wolf 513-621-9018 1LT Sean Devillers 614-431-4900
5	Jul 24 – Aug 7	COL Thomas G. Schumacher 606-384-7709
6	Aug 7 – Aug 21	LTC Bill Cooper 937-548-1157

APPENDIX L-9: INFORMATION PAPER, ARNG PARTICIPATION IN NEW HORIZONS (23 MARCH 1999)

INFORMATION PAPER

23 March 1999
NGB-ARO-Y

SUBJECT: ARNG Participation in NEW HORIZONS

1. Background: Two Reserve Component Nuevos Horizontes (NH Exercises---English translation "New Horizons") were originally scheduled in Central America and the Caribbean for FY99 prior to Hurricanes Mitch and Georges. The two, an ARNG-led exercise in Honduras (NH99 Honduras) and an USAR-led exercise in Guatemala (NH99 Guatemala). After the environmental catastrophe caused by the hurricanes, CINCSOUTH (GEN Wilhelm), responded quickly with disaster relief efforts by the AC followed on by a seamless transition from AC forces to a "robusted" NH exercise plan----adding five new exercises and a Forward Control Element.

2. Overview. ARNG is leading four major exercises and a General Officer-led Forward Command Element and providing helicopter support to 3 USAR led exercises. These exercises provide annual training for 13,100 ARNG soldiers from 37 States/Territories and the District of Columbia. Incidental to the training is the construction of 16 schools, 8 clinics, 16 wells, 15 bridges/culverts, approximately 175 km road repairs, and 16 medical exercises. Training benefits derived from the conduct of these events directly improve the readiness of our engineers, logisticians, communicators, military police, transportation elements, aviators, medical personnel, linguists, as well as providing a valuable tool to exercise the mobilization capabilities of the STARC staffs and CONUSAs.

a. NH99-1 Honduras (NH99HO-01). This is the original exercise that was previously planned for execution (planned over an 18-month window). This exercise was relocated, from an area not effected by Hurricane Mitch, into the devastated Sula Valley, hence the task force name: JTF Sula. The bulk of the soldiers come from 25 ARNG units from 18 states with the majority of the soldiers from South Carolina, Alabama, and Mississippi. Their mission is to construct four schools, three clinics, one public latrine, four wells, conduct 3 medical exercises, and road improvements within their operational area. NH99HO-01 will directly train nearly 3,000 ARNG soldiers. There are currently 467 deployed with the Task Force, of which 345 are ARNG, six are USAR, eight are Active Army, 57 are Air Force Reserve, and 51 Host Nation. The exercise execution phase is from 13 Feb thru 8 May, with redeployment completed 20 June.

b. NH99-2 Honduras (NH99HO-02). This was the CINCs highest priority add-on exercise (termed 'enhanced' New Horizons). This exercise was conceived, planned, and launched in less than 60 days in response to GEN Wilhelm's request for a 'seamless transition'. Louisiana and Missouri were selected to lead this critical effort because of their recent and vast experience in the region. This Task Force is centered in the Aguan River valley, one of the hardest hit areas within Honduras. Mission focus is repair or reconstruction of five bridges, nine culvert crossings, and 125km of road repair, as well as constructing two schools, two clinics, six wells, and conducting three medical exercises. NH99HO-02 will directly train nearly 4,000 ARNG soldiers. There are currently 493 deployed with the Task Force, of which 422 are ARNG, and 71 are ANG. The exercise execution phase is from 21 Feb thru 8 Aug, with redeployment completed by 22 Aug.

c. NH99-2 Dominican Republic (NH99DR). This exercise was requested by GEN Wilhelm in response to the effects of Hurricane Georges. This exercise was conceived, planned, and launched in 100 days and is currently in the deployment/base camp construction phase. Alabama was selected to lead this effort. Mission focus is vertical construction of eight schools, replacement of a bridge, and the conduct of three medical exercises. The ARNG will be augmented by a Engineer Battalion from the USMC-R for the bridge project. NH99DR will directly train nearly 3,000 ARNG soldiers. There are currently 107 ARNG soldiers deployed with this task force. The exercise deployment phase will be completed by 2 Apr, with the execution phase is from 3 Apr - 6 Aug, with redeployment completed by 20 Aug.

d. NH99-2 Nicaragua (NH99NU). This exercise was originally scheduled to be supported by an Active Component element. The requirement shifted to the Reserve Component mid-February. The Ohio ARNG has accepted the lead State role, with the first significant planning event held last weekend at the Professional Education Center involving planners from the Task Force Command, the Ohio STARC, NGB, FORSCOM, 1st Army, USARSO, with lateral support from Missouri. The Initial Planning Conference, to include the unit level will be held this week in Columbus, Ohio. An assessment team comprised of engineer and contracting personnel from USARSO, OH, and MS were in Nicaragua last week to conduct a preliminary survey of construction sites and transit points. The ARNG will be augmented by an Engineer Battalion from the USMC-R for horizontal efforts, and is scheduled to construct two schools, three clinics, six wells, and conduct as many as seven medical training exercises. This exercise will provide training for 2,300 ARNG soldiers. The deployment phase will begin as soon as practicable, with the 1st construction rotation anticipated to be on the ground by the 29th of May. The exercise will conclude by late August, with redeployment from Nicaragua completed by 15 September.

e. Forward Command Element. This command cell was requested by GEN Wilhelm to meet the increased need for oversight in the Central American region due to the number and complexity of the exercises being conducted. The Ohio ARNG has the lead on this effort, and has provided the FCE Commander, BG James Caldwell. The task force deployed on 13 March (via ANG C-130) and is currently operational at Soto Cano AB, Honduras. The FCE provides command and control for two USAR-led exercises in Guatemala, one USAR-led exercise in El Salvador, and the ARNG-led exercise in Nicaragua. The focus for this element is sustained C2 over the ongoing exercises. Embedded within the FCE will be an Army aviation section with fixed wing capability (C-23). Staffing for the FCE is split between the Reserve Components. There are currently 70 deployed with the FCE, of which 43 are ARNG, 26 are USAR, and one Naval Reserve. The FCE will be operational 13 March through 1 September, with redeployment to be completed by 20 September.

f. ARNG Helicopter Support. The ARNG is also providing helicopter support to two USAR-led exercises in Guatemala (6 UH-60 helicopters and crews) and one USAR-led exercise in El Salvador (3 UH-1 helicopters and crews).

3. Funding for New Horizons Exercises.

a. Pay and Allowances. Soldiers who rotate through the exercises will be paid by normal, statutory Annual Training funds. Duration staff elements are being paid from T10 ADSW short-tour funding. Because the duration staff requirements are additive requirements and were not originally funded for FY99, Army has submitted a request for supplemental funding for $7.3 million dollars to reimburse the ARNG for these activities.

b. All Operations and Maintenance funding for transportation, building materials, and incremental costs for preparation, deployment, redeployment, and reconstitution come from sources external to the ARNG.

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APPENDIX L-10: INFORMATION PAPER, ARNG PARTICIPATION IN NEW HORIZONS (3 APRIL 1999)

INFORMATION PAPER

2 April 1999
NGB-ARO-Y

SUBJECT: ARNG Participation in NEW HORIZONS

1. Background: Two Reserve Component Nuevos Horizontes (NH Exercises---English translation "New Horizons") were originally scheduled in Central America and the Caribbean for FY99 prior to Hurricanes Mitch and Georges. The two, an ARNG-led exercise in Honduras (NH99 Honduras) and an USAR-led exercise in Guatemala (NH99 Guatemala). After the environmental catastrophe caused by the hurricanes, CINCSOUTH (GEN Wilhelm), responded quickly with disaster relief efforts by the AC followed on by a seamless transition from AC forces to a "robusted" NH exercise plan—adding five new exercises and a Forward Control Element.

2. Overview. ARNG is leading four major exercises and a General Officer-led Forward Command Element and providing helicopter support to three USAR led exercises. These exercises provide annual training for 13,100 ARNG soldiers from 37 States/Territories and the District of Columbia. Incidental to the training is the construction of 16 schools, eight clinics, 16 wells, 15 bridges/culverts, approximately 175km road repairs, and 16 medical exercises. Training benefits derived from the conduct of these events directly improve the readiness of our engineers, logisticians, communicators, military police, transportation elements, aviators, medical personnel, linguists, as well as providing a valuable tool to exercise the mobilization capabilities of the STARC staffs and CONUSAs.

a. NH99-1 Honduras (NH99HO-01). This is the original exercise that was previously planned for execution (planned over an 18-month window). This exercise was relocated, from an area not effected by Hurricane Mitch, into the devastated Sula Valley, hence the task force name: JTF Sula. The bulk of the soldiers come from 25 ARNG units from 18 states with the majority of the soldiers from South Carolina, Alabama, and Mississippi. Their mission is to construct four schools, three clinics, one public latrine, four wells, conduct three medical exercises, and road improvements within their operational area. NH99HO-01 will directly train nearly 3,000 ARNG soldiers. The exercise execution phase is from 13 Feb thru 8 May, with redeployment completed 20 June. The 890th EN Bn (MSARNG), arrives Saturday for the sixth and final rotation. A total of 345 personnel are deployed today.

b. NH99-2 Honduras (NH99HO-02). This was the CINCs highest priority add-on exercise (termed 'enhanced' New Horizons). This exercise was conceived, planned, and launched in less than 60 days in response to GEN Wilhelm's request for a 'seamless transition'. Louisiana and Missouri were selected to lead this critical effort because of their recent and vast experience in the region. This Task Force is centered in the Aguan River valley, one of the hardest hit areas within Honduras. Mission focus is repair or reconstruction of five bridges, nine culvert crossings, and 125km of road repair, as well as constructing two schools, two clinics, six wells, and conducting three medical exercises. NH99HO-02 will directly train nearly 4,000 ARNG soldiers. The exercise execution phase is from 21 Feb thru 8 Aug, with redeployment completed by 22 Aug. The 205th EN Bn (LAARNG) and the 220th EN Co (Combat Support Equipment) is on the ground in Honduras for the fifth of 12 rotations. Today, 454 personnel are deployed.

c. NH99-2 Dominican Republic (NH99DR). in response to the effects of Hurricane Georges, GEN Wilhelm requested this exercise. This exercise was conceived, planned, and launched in 100 days and is currently in the deployment/base camp construction phase. Alabama was selected to lead this effort. Mission focus is vertical construction of eight schools, replacement of a bridge, and the conduct of three medical exercises. The ARNG will be augmented by a Engineer Battalion from the USMC-R for the bridge project. NH99DR will directly train nearly 3,000 ARNG soldiers. The exercise deployment phase will be completed by 3 Apr, with the execution phase from 3 Apr - 6 Aug, with redeployment completed by 20 Aug. The second of nine construction rotations is on the ground now (877th EN Bn (ALARNG)). There are 403 personnel deployed today. The average daily number of personnel deployed remains around 400 soldiers throughout the exercise period.

d. NH99-2 Nicaragua (NH99NU). This exercise was originally scheduled to be supported by an Active Component element. The requirement shifted to the Reserve Component mid-February. The Ohio ARNG has accepted the lead State role. The ARNG will be augmented by an engineer battalion from the USMC-R for horizontal efforts, and is scheduled to construct two schools, three clinics, six wells, and conduct as many as seven medical training exercises. This exercise will provide training for 2,300 ARNG soldiers. The deployment phase is underway now, with the first construction rotation scheduled to be on the ground by 29 May. The exercise concludes 21 Aug, with redeployment from Nicaragua completed by 15 Sep. A small leaders reconnaissance team consisting of the task force commander and key staff are deployed to Nicaragua now (18-24 April).

e. Forward Command Element (FCE). This command cell was requested by GEN Wilhelm to meet the increased need for oversight in the Central American region due to the number and complexity of the exercises being conducted. The Ohio ARNG has the lead on this effort, and has provided the

FCE Commander, BG James Caldwell. The task force deployed on 13 March (via ANG C-130) and is currently operational at Soto Cano AB, Honduras. The FCE provides command and control for two USAR-led exercises in Guatemala, one USAR-led exercise in El Salvador, and the ARNG-led exercise in Nicaragua. The focus for this element is sustained C2 over the ongoing exercises. Embedded within the FCE will be an Army aviation section with fixed wing capability (C-23). Staffing for the FCE is split between the Reserve Components. There are currently 90 deployed with the FCE, of which 49 are ARNG, 36 are USAR, and three civilian contractors, one Air Force and one Naval Reserve. The FCE will be operational 13 March through 1 September, with redeployment to be completed by 20 September.

f. ARNG Helicopter Support. The ARNG is also providing helicopter support to two USAR-led exercises in Guatemala (6 UH-60 helicopters and crews) and one USAR-led exercise in El Salvador (3 UH-1 helicopters and crews).

3. Funding for New Horizons Exercises.

a. Pay and Allowances. Soldiers who rotate through the exercises will be paid by normal, statutory Annual Training funds. Duration staff elements are being paid from T10 ADSW short-tour funding. Because the duration staff requirements are additive requirements and were not originally funded for FY99, Army has submitted a request for supplemental funding for $7.3 million dollars to reimburse the ARNG for these activities.

b. All Operations and Maintenance funding for transportation, building materials, and incremental costs for preparation, deployment, redeployment, and reconstitution come from sources external to the ARNG.

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APPENDIX M: USEFUL INTERNET SITES FOR FOREIGN DISASTER RELIEF OPERATIONS ROTATIONS[1]

Reference	Address (URL http://)
Army Acquisition Contingency Contracting	http://acqnet.sarda.army.mil/acqinfo/zpcntcrt.htm
Army Acquisition Web Site	http://acqnet.sarda.army.mil/home.htm
British Civil Defense	http://www.britishcivildefence.org/
CALL's Humanitarian Relief Links	http://call.army.mil/call/homepage/humanity.htm
Center for Disease Control Travel Information Page	www.cdc.gov/travel/
CIA World Fact Book	www.odci.gov/cia/
Coordination Center for the prevention of Natural Disasters in Central America (CEPREDENAC) with the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama as members	http://www.cepredenac.org/en/index.shtml
Council on East Asian Libraries: Asian country info.	darkwing.uoregon.edu/~felsing/ceal/welcome.html
Dartmouth Flood Observatory	http://www.dartmouth.edu/artsci/geog/floods/index.html
DefenseLINK	www.dtic.dla.mil/defenselink/
Disaster Relief : information on current disaster operations worldwide. SIte sponsored by Red Cross, CNN & IBM.	www.disasterrelief.org/
Disaster Relief Site's List of Links	http://www.disasterrelief.org/Links/
Doctors Without Borders	http://www.dwb.org/index.htm
European Community Humanitarian Office (ECHO)	http://europa.eu.int/comm/echo/en/index_en.html
Federal Agencies on the Internet (by Louisiana State University)	www.greatlakes.gsa.gov/BCS/fedgov.html
Freddie FORSCOM MACA Page (Military Assistance to Civil Authorities)	http://freddie.forscom.army.mil/maca/
Freddie FORSCOM Reference Lists & Links for MACA	http://freddie.forscom.army.mil/MACA/htm/links.htm
HazardNet by Simon Fraser university	http://hoshi.cic.sfu.ca/hazard/
Interaction: Coalition of over 150 NGOs and PVOs for working for FHA	www.interaction.org/
Joint Doctrine Home Page	www.dtic.mil/doctrine/index.html
Journal of Humanitarian Assistance	http://www-jha.sps.cam.ac.uk/

Links to US embassies and consulates with web sites	travel.state.gov/links.html
Mapquest Home Page: Maps, atlases, and directions. Good zoom feature for details.	www.mapquest.com
Maps - Perry-Castañeda Library Map Collection	http://www.lib.utexas.edu/Libs/PCL/Map_collection/Map_collection.html
National Geographic Society Home: maps & atlases	www.nationalgeographic.com/main.html
National Institute for Urban Search and Rescue	http://niusr.org/
NYFD DART Site (New York City Fire Department Disaster Assistance Response Team)	http://www.fdnydart.org/
OFDA FOG--Assessment Checklists	www.info.usaid.gov:80/ofda/fog/ch2home.htm
OFDA Home Page (USAID's Office of Foreign Disaster Assistance)	http://www.info.usaid.gov/ofda/
OFDA: Field Operations Guide (FOG), with DART organization.	www.info.usaid.gov/ofda/fog/foghme.htm
Organization for Economic Cooperation and Development, Development Assistance Committee	http://www.oecd.org/dac/
Pacific Disaster Management Information Network (PDMIN): online library of links, publications, electronic journals; up-to-date information on disasters; country and cultural information; technology for DM personnel; and online educational and training materials for disaster management personnel.	http://coe-dmha.org/website/index.htm
Partners and Food in Emergency and Development Aid	http://www.univ-lille1.fr/pfeda/
Red Cross—International Committee of the Red Cross	http://www.icrc.org/
Red Cross—International Federation of red Cross and Red Crescent Societies	http://www.ifrc.org/
Red Cross—The American Red Cross	http://www.redcross.org/
Refugee Studies Center, University of Oxford	http://www.qeh.ox.ac.uk/rsp/indexrsp.html
Relief Net: List of and links to various relief organizations	http://www.reliefnet.org/
The Humanitarian Practice Network	http://www.odihpn.org.uk/
The Internet Journal of rescue and Disaster Medicine	http://www.ispub.com/journals/ijrdm.htm
The University of York Post-War Reconstruction and Development Unit	http://www.york.ac.uk/depts/arch/prdu/
UN Administrative Committee on Coordination Sub-committee on Nutrition	http://acc.unsystem.org/scn/
UN Children's Fund (UNICEF)	http://www.unicef.org/
UN Development Program	http://www.undp.org/
UN Directory of UN Humanitarian Organizations	http://www.reliefweb.int/contacts/dirhomepage.html
UN Directory of UN Humanitarian Organizations	http://www.reliefweb.int/contacts/dirhomepage.html

UN Division of Emergency & Humanitarian Action	http://www.who.int/eha/
UN Food and Agricultural Organization	http://www.fao.org/
UN High Commissioner for refugees	http://www.undp.org/
UN Home Page	http://www.un.org/
UN Integrated Regional Information Networks: info. on disaster struck areas	http://www.reliefweb.int/IRIN/index.phtml
UN International Strategy for Disaster Reduction, Office for the Coordination of Humanitarian Affairs (OCHA)	http://www.unisdr.org/
UN Mine Action Services	http://www.un.org/Depts/dpko/mine/
UN Office for the Coordination of Humanitarian Affairs	http://www.reliefweb.int/ocha_ol/index.html
UN Population Information Network: includes health & demographic information	http://www.undp.org/popin/
UN Relief Web UN Dept of Humanitarian Affairs links to other FHA sites.	www.reliefweb.int/
UN Web Site Index	http://www.unsystem.org/index.html
UN World Food Program	http://www.wfp.org/index.htm
UN World Health Organization	http://www.who.int/
University College Cork International Famine Center	http://www.ucc.ie/famine/
US AID	http://www.info.usaid.gov/
US Department of State	http://www.state.gov/
US Embassies & Consulates List of U.S. embassies and consulates with addresses and phone numbers. A-D	www.lebanon.com/immigration/nasrallah/embassies_a_d.htm
US Embassies & Consulates E-M	www.lebanon.com/immigration/nasrallah/embassies_e_m.htm
US Embassies & Consulates N-Z	www.lebanon.com/immigration/nasrallah/embassies_n_z.htm
World Bank	http://www.worldbank.org/

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