

Operation Allies Welcome

After Action Report



CENTER FOR LAW AND MILITARY OPERATIONS
THE JUDGE ADVOCATE GENERAL'S LEGAL CENTER AND SCHOOL
2022



CUI

Cover Page photo of Marine Corps Lance Cpl. Rachael Scott, a radio operator with 1st Battalion, 10th Marines, Charlie Battery, from Gettysburg, Pennsylvania, interacting with an Afghan child during Operation Allies Welcome on Marine Corps Base Quantico, Virginia, Sept. 1, 2021. (U.S. Marine Corps photo by Tia Dufour)

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This publication was authored by:
LDCR Emily Miletello, USCG
The Judge Advocate General's Legal Center and School.
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Operation Allies Welcome

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- 1) DoD Special Immigrant (SIV) VISA Applicant Execute Order (EXORD) 201923ZJUL21
- 2) (CUI) Action Memo, 22 July 2021, DOD Domestic Support to SIV
- 3) Department of Homeland Security (DHS) Lead Federal Agency Designation
- 4) Domestic Operations Reference List
- 5) (SBU)/(CUI) Request for Assistance (RFA) for Temporary Housing, Sustainment, and Support for Afghan Special Immigrant Visa (SIV) Applicants
- 6) Memorandum of Understanding Between Installation Commander, Fort Lee, and Department of State for Operation Allies Refuge
- 7) Fort Pickett “Welcome Aboard” Memo
- 8) U.S. Customs and Border Protection (CBP) Parole Form
- 9) (SBU) State Department Memo, 23 July 2021, Request to Execute Drawdown of Articles and Services from the Resources and Inventory of the Department of Homeland Security Related to the Situation in Afghanistan
- 10) Summary of Authorities and Decisions on use of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funds, 7 October 2021
- 11) Secretary of Defense Memo, 7 February 2022, Continued Support to the Department of States in the Form of Humanitarian Assistance for Evacuees from Afghanistan
- 12) (CUI) Contract Acquisition Review Board (CARB) Meeting Agenda, Fort Lee
- 13) Secretary of Defense Memo, 24 August 2021, Authorizing OHDACA Funds to support Operation Allies Welcome
- 14) (CUI) United States Northern Command (USNORTHCOM) Fragmentary Order (FRAGO) 182.023, fiscal law guidance
- 15) (SBU)/(CUI) Action Memo, 24 August, 2021, DOD Transportation and Domestic Support to Department of States (DOS) for additional 55,000 Afghan individuals
- 16) USNORTHCOM FRAGO 182.026, directing stand-up of law enforcement working groups
- 17) (CUI) Sample Land Use Agreement, Fort Bliss
- 18) (CUI) Sample Law Enforcement Response Concept of Operations, Fort Lee
- 19) Sample Mutual Support Agreement, Fort Pickett and Nottoway Sheriff

- 20) Sample Jurisdictional Statement
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- 27) DHS Memo, 5 September 2021, Medical Requirements for Operation Allies Welcome
- 28) DHS Delegation to Senior Response Official for Gift Acceptance
- 29) Legal Opinion, Employment of Afghans as interpreters, Fort Bliss
- 30) Legal Opinion, Support to Non-Governmental Organizations (NGOs), 30 August 2021, Fort Lee
- 31) Assistant Secretary of Defense memo, 27 August 2021, Military Service Exchange and DoD Commissary Access for Non-Government and Contract Organizations Supporting OAW
- 32) DHS memo, 8 October 2021, Non-federal Medical Credentialing, Licensure and Liability Guidance
- 33) Order, Emergency Medical Licensing, State of New Jersey, Department of Law and Public Safety
- 34) Request to Secretary of the Army for exception to AR 215-8 to authorize Afghan access to Exchange Services; Request for Exception to AR 215-8 to authorize tobacco purchases

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MAJ Stephen Harmel, USA
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MAJ Bruce Robinson, USA
CPT Thomas Edmonds, USA
CPT Jason Juch, USA
CPT Maurizo Lewis-Streit, USA
CPT John Monroe, USA
CPT Erich Reimer, USA
Capt Heather Stallings, USAF



Alison Martin
Brigadier General, U.S. Army
Commanding

The Judge Advocate General's Legal Center and School

Preface

Operation Allies Welcome (OAW) was a whole of government operation coordinated by the Department of Homeland Security (DHS) to resettle vulnerable Afghans in the United States following the fall of Afghanistan to the Taliban in 2021. This operation cut across departments and agencies at all levels of government, and included significant involvement from non-governmental organizations (NGOs) and the private sector. This publication only seeks to address the Defense Support of Civil Authorities (DSCA) mission undertaken by the Department of Defense (DoD) at the request of the Department of State (DOS) and later, the Department of Homeland Security (DHS), to provide temporary housing, medical services, and other basic support to Afghan individuals who were temporarily relocated to military bases in the United States between approximately July 1, 2021 and February 24, 2022.

DoD support to OAW slowed significantly from February to March as most Afghans departed military installations and the government began contracting with private entities for housing support. However, the United Nations High Commissioner for Refugees (UNHCR) estimates that there are approximately 3.5 million Afghans internally displaced, meaning that U.S. Government support to Afghan refugees will likely continue in some form for many years.¹

This document does not address issues encountered during the non-combatant evacuation operation (NEO) preceding the resettlement mission, operations at overseas staging areas, or ongoing efforts to integrate this population into their new American communities.

The primary audience for this publication is Judge Advocate General's Corps (JAG Corps) personnel supporting installation commanders, and those engaging in DSCA missions.

The proponent for this publication is the Center for Law and Military Operations (CLAMO) at The Judge Advocate General's Legal Center and School (TJAGLCS), U.S. Army. Send written comments and recommendations on DA Form 2028 (*Recommended changes to Publications and Blank Forms*) directly to Commander, The Judge Advocate General's Legal Center and School, U.S. Army, ATTN: CTR-FC, 600 Massie Road, Charlottesville, VA 22903-1781. Send comments and recommendations by e-mail to usarmy.pentagon.hqda-tjaglcs.list.tjaglcsdoctrine@mail.mil. Follow the DA Form 2028 format or submit an electronic DA Form 2028.

¹ United Nations High Commissioner on Refugees, Afghanistan, <https://www.unhcr.org/en-us/afghanistan.html> (accessed on March 18, 2022).



HOLLOMAN AIR FORCE BASE, NM, UNITED STATES

01.24.2022

Photo by Staff Sgt. Andrew Moore

Afghan evacuees staying at Task Force Holloman wait to board their departure bus on Holloman Air Force Base, New Mexico, Jan. 24, 2022.

Introduction

On July 14, 2021, the federal government announced “Operation Allies Refuge,” an inter-agency, State Department-led [Non-Combatant Evacuation Operation \(NEO\)](#)² to evacuate and resettle certain Afghan nationals who had supported coalition-led military operations.³ Shortly after the operation was announced, the State Department (DOS) submitted a request for assistance (RFA) to the Department of Defense (DoD) to house and provide basic services for a limited number of Afghan evacuees. This RFA was approved by the Secretary of Defense via Execute Order (EXORD) and an action memo. The EXORD and accompanying action memo authorized support for up to 3,500 Afghan personnel to be housed at Fort Lee, Virginia. (Encls. 1, 2).

Approximately one month later, on August 15, the Taliban captured Kabul, prompting tens of thousands of individuals in Afghanistan to rush to the airport in an attempt to flee the country. These individuals included Afghan nationals, U.S. Legal Permanent Residents (LPR), and U.S. Citizens. From August 14 - 25, more than 124,000 individuals were evacuated from Afghanistan on military aircraft.⁴ Approximately 80,000 were temporarily relocated on U.S. military bases pending permanent resettlement in the United States.⁵

On August 29, 2021, the President designated the Department of Homeland Security to serve as the [Lead Federal Agency for Facilitating the Entry of Vulnerable Afghans into the United States](#). (Encl. 3) Throughout this operation, the vast majority of Afghan personnel evacuated to the United States were housed on eight military installations designated “safe havens,” pending permanent resettlement by the State Department and designated resettlement agencies.



² Joint Publication 3-68, Noncombatant Evacuation Operations, 18 November 2015, Validated 14 November 2017.

³ Other individuals in Afghanistan at the time, including dual citizens of nations other than the United States were also evacuated by U.S. and coalition forces during the NEO. However, these individuals were processed by the State Department and their country of citizenship, and were not part of Operation Allies Welcome and domestic resettlement efforts.

⁴ Press Release, Department of State, *The United States Conducts Unprecedented Relocation Effort*, September 6, 2021. <https://www.state.gov/the-united-states-conducts-unprecedented-relocation-effort/>

⁵ Compiled from various DHS data sources and USNORTHCOM reports.

The DoD has played a critical supporting role to DOS and DHS-led efforts to provide fundamental services, like housing, food, and basic medical care to Afghans temporarily residing on safe haven installations. This publication focuses exclusively on the DoD's support to arrival processing, housing, sustainment, and resettlement operations (the DSCA mission) rather than on the preceding non-combatant evacuation operation.



JOINT BASE MCGUIRE-DIX-LAKEHURST, NJ, UNITED STATES

02.03.2022

Photo by Tech. Sgt. Matthew Fredericks

U.S. Marine Corps Staff Sgt. Felipe Ramirez, 4th Civil Affairs Group civil affairs senior noncommissioned officer, teaches Afghan guests about building resumes and common work application processes during a job fair event at Joint Base McGuire-Dix-Lakehurst, New Jersey, Jan. 25, 2022.

Chapter 1: Background

1-1 Military history of domestic refugee support missions

Due to their size, location, and resources, U.S. military installations have been used throughout history to temporarily house refugees arriving to the United States.⁶ Operation Allies Welcome (OAW) was unique in that the speed of the operation meant that (1) funding through Congressional appropriation was lagging, and (2) evacuees arrived quickly, and nearly all at once. Those factors led to funding, authority, and operational challenges not experienced during past refugee support missions. To provide context, below is a brief account of domestic DoD refugee support operations following the Vietnam War, and the Mariel Boatlift.⁷

a. Vietnam (1975 – 1976)

Following the Vietnam War, the U.S. military and other government agencies evacuated approximately 144,000 refugees from Southeast Asia to the United States. Evacuations took place via civilian aircraft operated under DoD contract, as well as by sealift. Refugees were first moved to staging areas on Guam, the Philippines, and Wake Island before being transferred to Continental United States (CONUS) bases, including Camp Pendleton, Fort Chaffee, Eglin Air Force Base, and Fort Indiantown Gap. Fort Chaffee housed over 51,000 refugees, while Camp Pendleton housed more than 30,000.⁸

To fund this operation, Congress passed the Indochina Migration and Refugee Assistance Act, which authorized up to \$455 million (split between the Department of Health, Education and Welfare and the State Department) for a two-year evacuation and resettlement program.⁹ Unlike OAW, this funding was passed before large numbers of evacuees began arriving in the United States.

The White House established a special Interagency Task Force to coordinate all aspects of this operation, and appointed Ambassador L. Dean Brown to lead it. The Task Force was comprised of representatives from DoD, DOS, the Agency for International Development (AID) and the U.S. Information Agency.¹⁰ DoD provided cost estimates throughout both evacuation and resettlement support operations in order to ensure that expenses were sufficiently covered by the interagency and by any special Congressional appropriations.¹¹

⁶ While Afghan personnel evacuated over the course of this operation are not legally considered “refugees” under the Immigration Nationality Act (INA), 8 U.S.C. 1101(a), they have generally been extended all refugee benefits via a Continuing Resolution (H.R.5305), passed by Congress on September 30, 2021.

⁷ See also, Center for Army Lessons Learned, Commander’s Guide to Supporting Refugees and Internally Displaced Persons, No. 12-21, September 2012. <https://usacac.army.mil/sites/default/files/publications/12-21.pdf>

⁸ GAO Report to Congress, ID-75-71, *U.S. Provides Safe haven for Indochinese Refugees*, June 26, 1975, <https://www.gao.gov/assets/id-75-71.pdf>.

⁹ Indochina Migration and Refugee Assistance Act of 1975, Public Law 94-23, 89 Stat. 87 (1975); This legislation provided funds in addition to funds generally available through the Foreign Assistance Act of 1961 (22 U.S.C. § 2431) and other authority that was also used during OAW.

¹⁰ GAO Report to Congress, ID-75-71, *U.S. Provides Safe haven for Indochinese Refugees*, June 26, 1975, <https://www.gao.gov/assets/id-75-71.pdf>.

¹¹ *Id.*



Vietnamese and Cambodian refugee children playing soccer at Fort Chaffee
UC Irvine, Southeast Asian Archive

b. Cuba and Haiti (1980 – 1982)

In the spring of 1980, over 125,000 Cubans boarded vessels at Mariel Harbor, destined for the United States. Refugees fleeing Cuba via the “[Mariel Boatlift](#)” were temporarily housed at Eglin Air Force Base, Fort Indiantown Gap, Fort McCoy, and Fort Chaffee. Each site housed approximately 30,000 refugees.

In early June 1980, refugees at Fort Chaffee rioted over rumors that they may not be allowed to leave the installation in the near future. They overturned vehicles and lit fires before leaving the base through the main gate, headed to Fort Smith, approximately ten miles away. This prompted an immediate federal response. Fifteen hundred soldiers from Fort Sill were deployed to reinforce Arkansas National Guard troops already on the ground.

In the following months, an Army judge advocate was embedded with the U.S. Attorney’s office in the Western District of Arkansas, prosecuting misdemeanor offenses committed by Cuban refugees. The designated judge advocate held court at least two days each week at Fort Chaffee, in a courtroom built specifically to handle refugee misconduct cases. During this time period, the judge advocate would routinely arraign thirty to forty Cubans in a single day for offenses committed on the compound. Felony offenses were handled by the U.S. District Court in Fort Smith.

Ultimately, however, law enforcement at the refugee camp was the responsibility of the National Park Police, Federal Protective Service, and Federal Bureau of Investigations. Installation legal

staff worked closely with these agencies and others in the interagency until resettlement support operations at Fort Chaffee ended in 1982.¹²



Cuban refugees arrive at Fort McCoy. May 29, 1980
Photo by Val Mazzenga, Chicago Tribune

1-2 Defense Support of Civil Authorities

Operation Allies Welcome was a Defense Support of Civil Authorities (DSCA) mission. Department of Defense Instruction (DoDI) 3025.18 defines DSCA as:

Support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD Component assets, and National Guard forces (when the Secretary of Defense, in coordination with the Governors of the affected States, elects and requests to use those forces in title 32, U.S.C., status) **in response to requests for assistance from civil authorities for domestic emergencies, law enforcement support, and other domestic activities**, or from qualifying entities for special events. *Emphasis added.*¹³

¹² Borch, Frederic, Judge Advocates in Combat, Office of the Judge Advocate General and Center of Military History, United States Army, 2008.

¹³ This AAR will not attempt to restate or explain DSCA and its implementing DoD directives, instructions, and regulations. For a thorough discussion of DSCA and issues in Domestic Operational Law, please see the 2021 Domestic Operational Law Handbook, available at tjagles.army.mil. A list of DSCA and Domestic Operational Law references is also included at Enclosure 4.

Throughout the mission, DoD's operational authority was limited to providing support specifically requested by the Lead Federal Agency (LFA) (first DOS, and later DHS). However, DoD worked very closely with the LFA throughout the operation as a designated member of the Unified Coordination Group (UCG) established by the President to lead this operation. While not technically the lead for this mission, DoD provided the vast majority of resources, manpower, and funding necessary to run OAW.

1-3 The Unified Coordination Group

A Unified Coordination Group (UCG) is a multi-agency task force designed to achieve unity of effort in whole of government operations. It is described in the [National Response Framework](#) (NRF) as follows:

The UCG is comprised of specified senior leaders representing State and Federal interests, and in certain circumstances tribal governments, local jurisdictions, the private sector, or nongovernmental organizations. The UCG typically consists of the Principal Federal Official (if designated), Federal Coordinating Officer, State Coordinating Officer, and senior officials from other entities with primary statutory or jurisdictional responsibility and significant operational responsibility for an aspect of an incident (e.g., the Senior Health Official, Department of Defense representative, or Senior Federal Law Enforcement Official if assigned). Within the Unified Coordination Group, the Federal Coordinating Officer is the primary Federal official responsible for coordinating, integrating, and synchronizing Federal response activities.¹⁴

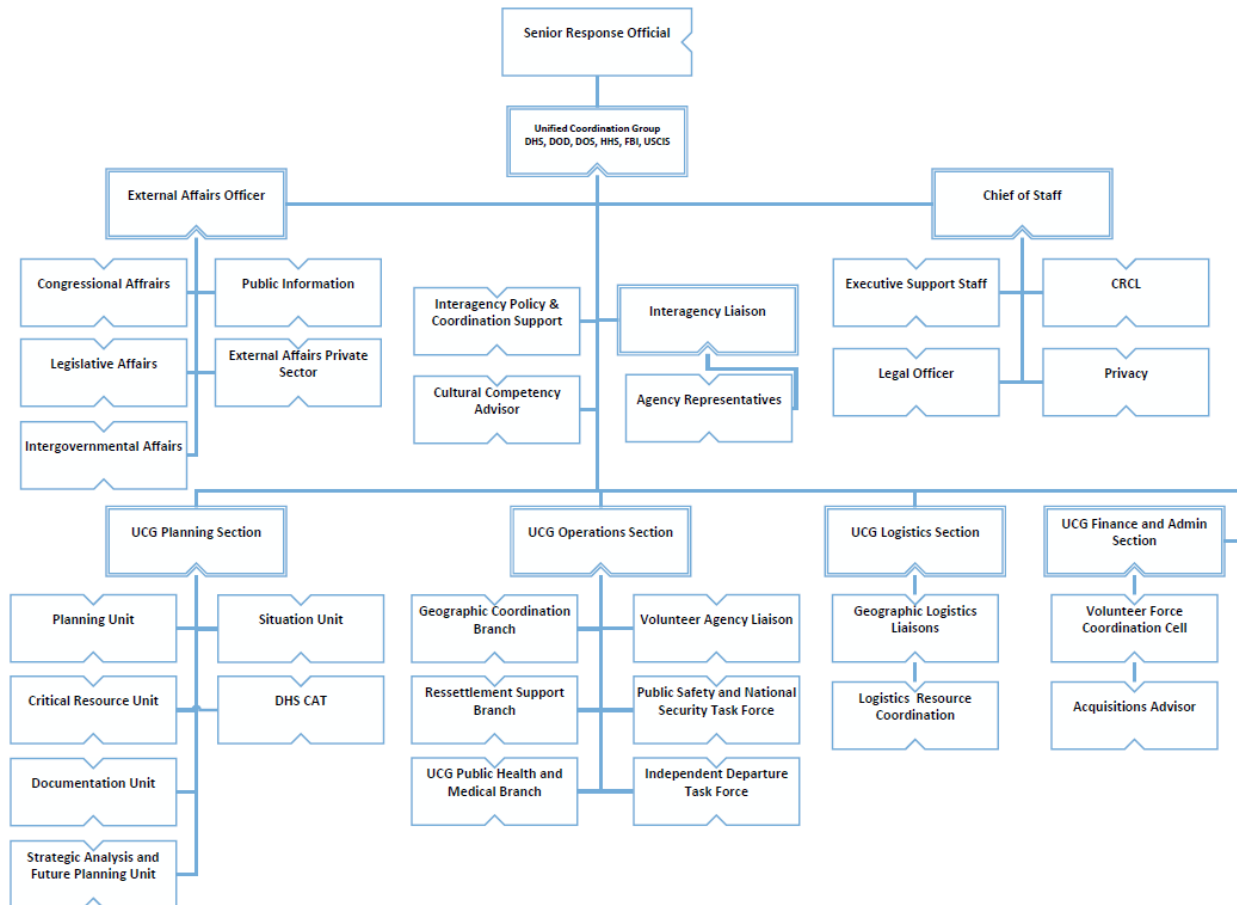
On August 29, 2021, [President Biden directed](#) the stand-up of a UCG, led by a [designated Senior Response Official \(SRO\)](#) to facilitate unity of effort and a whole of government response.¹⁵ DHS was designated as the agency responsible to lead and coordinate efforts of the UCG. The UCG for OAW was comprised of the following agencies:

- i. Department of Homeland Security (DHS)
- ii. Department of State (DOS)
- iii. Department of Defense (DoD)
- iv. Department of Health and Human Services (HHS)
- v. Federal Bureau of Investigations (FBI)
- vi. U.S. Citizenship and Immigration Services (USCIS)

¹⁴ Department of Homeland Security, *National Response Framework*, 4th ed. 2018, https://www.fema.gov/sites/default/files/2020-04/NRF_FINALApproved_2011028.pdf.

¹⁵ The White House, *Memorandum on the Designation of the Department of Homeland Security as Lead Federal Department for Facilitating the Entry of Vulnerable Afghans into the United States*, 29 August, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/29/memorandum-on-the-designation-of-the-department-of-homeland-security-as-lead-federal-department-for-facilitating-the-entry-of-vulnerable-afghans-into-the-united-states/>.

The UCG was supported by various additional agencies, including other DHS components such as U.S. Customs and Border Protection (CBP), the Federal Emergency Management Agency (FEMA), and U.S. Immigration and Customs Enforcement (ICE). Below is the organizational structure of the UCG.¹⁶ Each role or group making up the chart below was staffed by individuals from various federal agencies, working on behalf of the UCG and the mission of OAW (rather than on behalf of their agency):



As the lead federal agency, DHS was responsible for ensuring that federal resources, authorities, and expertise were effectively used to support the goals of the operation. This was done in close coordination with state and local governments, and a wide variety of non-governmental organizations.

1-4 The Role of the Department of Defense

The DoD was an integral member of the UCG at the strategic level, while also providing the vast majority of the resources and manpower required to support Afghans evacuees at the field level.

¹⁶ This chart is from approximately November 2021. The organizational structure of the UCG evolved with changing mission requirements.

DoD received a Request for Assistance (RFAs) from the State Department in the initial days of this operation. The initial RFA (Encl. 5), issued in late July, anticipated that the DoD would be providing support for only approximately 3,500 Afghan nationals, all of whom were eligible for, or in the process of obtaining, a Special Immigrant Visa (SIV).¹⁷ These individuals had been pre-identified by virtue of having supported coalition forces during the war efforts. This SIV program is administered by DOS, and implements the [Afghan Allies Protection Act of 2009](#).¹⁸

Fort Lee was designated as the installation that would support and house these designated Afghan Special Immigrants (ASIs). Roles and responsibilities of both DOS (as the lead agency) and Fort Lee (as the supporting installation) were established and documented via a Memorandum of Understanding (MOU). (Encl. 6). The MOU clarified that Fort Lee would provide lodging and sustenance for ASIs, to include certain medical services, transportation, security, and other basic services. The mission was to be fully reimbursed by DOS¹⁹ as documented in a signed [FS Form 7600a](#) accompanying the MOU.

Following the fall of Kabul, the number of Afghans evacuating the country rose suddenly and substantially to include approximately 120,000 additional evacuees. The vast majority were evacuated by U.S. military aircraft, ultimately destined for the United States.²⁰ As a result, seven additional installations were designated to provide the same support being provided by Fort Lee. As the mission grew in size, the government was forced to adapt plans to both coordinate and fund the operation. This led to DHS being designated as the federal coordinating agency on August 29, 2021. It also meant that [previously agreed-upon State Department led-funding mechanisms](#) were not sufficient to cover the entirety of a now much more complex, long term operation.²¹

While the DoD's role as a supporting agency was fairly clear (if extremely broad), funding authorities following DHS's designation as LFA, which came with no additional appropriations, were not. Regardless of outstanding funding challenges, Afghans quickly began arriving on DoD installations in large numbers, requiring the DoD to adapt and perform, pending guidance on operational and funding authority.

1-5 Installation Safe haven – Organizational Structure

The right side of the chart below provides an example of how DoD forces were structured at one installation. In order to manage operations on the safe havens (the interagency term used for DoD installations housing Afghan evacuees), most installations appointed a military member to

¹⁷ Following the initial RFA, additional requests were handled through meetings at the strategic level that resulted in several Secretary of Defense (SecDef) action memos.

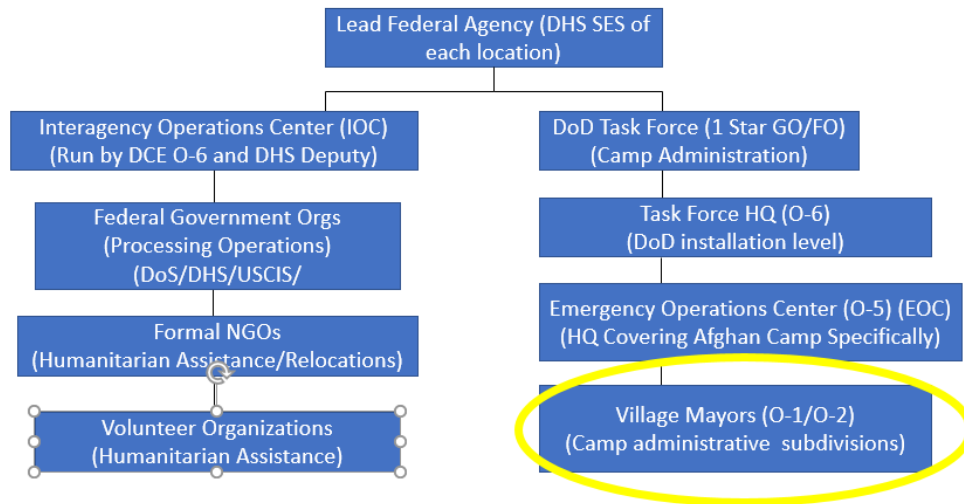
¹⁸ Afghan Allies Protection Act of 2009, Public Law 111–8, As Amended Through P.L. 117–31, Enacted July 30, 2021. <https://www.govinfo.gov/content/pkg/COMPS-13206/pdf/COMPS-13206.pdf>

¹⁹ See, chapter 2, Funding OAW. Reimbursement to Fort Lee was to be provided via the Economy Act.

²⁰ An additional 20,000 to 30,000 individuals were evacuated by allied forces, including South Korea, India, Canada, and the United Kingdom.

²¹ The White House, Memorandum for the Secretary of State on the Delegation of Authority Under Section 506(a)(2) of the Foreign Assistance Act of 1961. July 23, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/23/memorandum-for-the-secretary-of-state-on-the-delegation-of-authority-under-section-506a2-of-the-foreign-assistance-act-of-1961/>.

serve as “mayor.” The mayor oversaw efforts to orient Afghan evacuees to base services, and provided them an overview of what to expect during their time at the installation. A sample “Welcome Aboard” memo, issued by the mayor of Fort Pickett can be found at enclosure 7.



The Role of the Judge Advocate

Each of the eight safe haven installations determined that having a judge advocate on site was critical for mission success. Not only were judge advocates necessary to provide legal advice in a complex inter-agency mission, but in this type of long-term operation, which involved frequently rotating personnel, resident judge advocates provided both continuity and institutional knowledge.

Active duty installations were able to rely on already-existing support from installation Offices of the Staff Judge Advocates (OSJAs). Others, however, such as National Guard and Reserve camps did not have resident legal support. To fill this gap, U.S. Army North (USARNORTH) submitted Requests for Forces (RFFs) to mobilize reservist judge advocates or deploy active duty judge advocates to fill the need (usually one or two company or field grade officers per installation).

Fort Bliss provided the following description of how their judge advocates were embedded in the operation.

Discussion/Observation. Within the first weeks of OAW, 1st Armored Division (1AD) set up a Forward Operating Post (DTAC) at the Afghan Village (AV). The personnel in the DTAC consisted of representatives from G8, Division Surgeon, Provost Marshal’s Office (PMO), Staff Judge Advocate (SJA), and the Chief of Operations (CHOPS). The remainder of Division Staff, including G2, G4, and G5 were established on site in AV. This separation slowed the flow of information and caused miscommunication. As a result, the decision was made to move the DTAC and all supporting elements of Division Staff on site to AV to work in a single tent called the Interagency Command Center (ICC).

The OSJA assigned one attorney (Chief, National Security Law (NSL)) and one paralegal (NSL paralegal) to serve as the SJA representative in the ICC. The legal representative was located at the same table with the G5, G4, and G2 planners and representatives and attended all planning meetings and Operational Planning Teams (OPTs) for the AV. Meetings involving funding / contracting were covered by separate attorneys with the appropriate subject matter expertise, while meetings attended by the 1AD Commanding General (CG) were covered by attorneys with the appropriate rank, either the SJA or Deputy SJA. The on-site legal representative's primary responsibilities included being available to receive requests for legal opinions or reviews and to spot issues during planning efforts. Upon receiving a request for a legal review, the legal representative would either request an attorney in the rear conduct a legal review or conduct a preliminary review him or herself before sending it to legal leadership in the rear for approval or modification. Once the legal review was complete, the on-site attorney would disseminate the legal opinion and ensure that all parties involved accurately received and understood the guidance.

For the duration of operations at the AV, a legal representative was present during duty hours, Monday through Saturday. If the assigned legal representative was unable to be physically present, the Administrative Law team would provide an attorney to cover down. In the off-duty hours or in instances where an attorney could not cover down, the NSL paralegal would attend in-person or an attorney in the "rear" (back on the main cantonment) would attend virtually.

Recommendation. Integrate a judge advocate on-site. This proved extremely helpful. It increased staff integration and communication, improved understanding and appreciation of issues, and enabled issue-spotting during planning and daily operations.

The attorney on-site must take an active role in supporting the mission and speak up when legal issues may impact plans / operations. The attorney should aim to attend every meeting (even meetings with no clear legal nexus), engage and build relationships with the other members of Division Staff, and seek to be involved in as many planning efforts as possible. Being an active participant in the DTAC increased trust with 1AD Staff resulting in improved communication and higher levels of cooperation. The more staff personnel who know the attorney, the more likely they will seek out the attorney for legal support. Additionally, the more involved the attorney is, the more likely they are to catch legal issues that might otherwise be missed.

Another key component to successfully integrating with 1AD Staff is to avoid being the person who just says "no." Be prepared to offer an alternate (and legally permissible) course of action. The attorney must understand the commander's intent and desired end state, and work with the other staff sections involved to identify a solution. This often requires the attorney to become familiar with the resources available and usually requires "outside the box" thinking. By aiding in

the development of alternate courses of action, the lawyer becomes part of the team instead of becoming an obstacle to success. Additionally, be mindful of the “grade plate” differences among the staff sections. At the 1AD DTAC, the attorney was a captain working with mostly majors and lieutenant colonels. When needed, the SJA/DSJA must be ready to interject in support of seemingly “unpopular” legal opinions.

1-6 Immigration Status of Afghan Evacuees

During the earliest stages of this operation, federal officials planned for Fort Lee to support approximately 3,500 Afghan Special Immigrant Visa (SIV) holders and applicants following the conclusion of war.²²

After Afghanistan fell to the Taliban much more quickly than intelligence estimates anticipated, the U.S. and coalition forces began evacuating those deemed “vulnerable” to persecution under Taliban rule. U.S. and allied forces ultimately evacuated over 120,000 individuals.²³ While many evacuees may have been eligible for SIVs, most had not begun the process. As such, the vast majority were “paroled” into the United States by the U.S. Customs and Border Protection (CBP) through a legal authority under the Immigration and National Act, called “[humanitarian parole](#).”²⁴ This authority allows the Secretary of DHS to use his or her discretion to parole any noncitizen applying for admission into the United States temporarily for urgent humanitarian reasons or significant public benefit.²⁵

Parole is not an immigration status, but merely grants a parolee temporary authorization to legally enter and be present in the United States for a particular period of time.²⁶ It also does not confer a pathway to permanent residence. Afghan parolees seeking permanent residence must apply for Legal Permanent Residency, asylum, or other means of attaining permanent resident status. Humanitarian Parolees are also entitled to [certain benefits](#), including cash assistance, health care, work authorization, job placement assistance, and language training.²⁷

Conditions on Parole

When Afghan evacuees arrived at the ports of entry (primarily the Philadelphia International Airport, or Dulles International Airport), they were provided a document by CBP informing

²² The SIV program is administered by the State Department, and implements the [Afghan Allies Protection Act of 2009](#), which provides special protections for Afghans who supported coalition forces during the war.

²³ These afghan evacuees were not eligible for “refugee” status under international law or under the Immigration and Nationality Act (INA) due to the manner in which the evacuation operations occurred. For more information on the refugee status, see the United Nations High Commission on Refugees, <https://help.unhcr.org/>, and the State Department’s Refugee Admissions Program, <https://www.state.gov/u-s-refugee-admissions-program-priority-2-designation-for-afghan-nationals/>

²⁴ 8 C.F.R. § 212.5 – Parole of aliens into the United States.

²⁵ Immigration and Nationality Act (INA) § 212(d)(5)(A); 8 C.F.R. § 212

²⁶ 8 C.F.R. § 212.5 – Parole of aliens into the United States.

²⁷ See, e.g., Dept. of Health and Human Services, *Benefits for Afghan Humanitarian Parolees*, <https://www.acf.hhs.gov/sites/default/files/documents/orr/Benefits-for-Afghan-Humanitarian-Parolees.pdf>.

them that they had been granted humanitarian parole for a period of two years. (Encl. 8).²⁸ Parole was granted conditioned upon Afghans meeting certain reporting and [medical requirements](#).²⁹

Requirements included:

- (1) Vaccinations against measles, mumps, and rubella (MMR), polio, COVID-19, and [other age-appropriate vaccines](#) as determined by the Centers for Disease Control and Prevention (CDC);
- (2) Tuberculosis screening;
- (3) Reporting compliance with vaccination and health measures to U.S. Customs and Immigration Services (USCIS);
- (4) Other reporting requirements, including timely notification to USCIS of any change in address.

Failure to comply with conditions of parole within designated timeframes could result in termination of parole status, detention, and removal proceedings.

Parolees were encouraged, though not required, to remain onboard DoD safe havens to meet conditions of parole, where all vaccinations and screenings were provided free of charge. For those who chose to leave the installations, they risked losing the benefit of resettlement assistance. Departing independently meant that Afghans would be required to find their own residence without guaranteed financial assistance. It also meant that they had to seek out and pay for medical treatment independently to meet conditions of parole.

DHS estimates that approximately 11,228 Afghans departed independently from DoD safe havens, while approximately 8,614 departed independently from Ports of Entry.³⁰ The vast majority remained on DoD installations to take advantage of vaccination and resettlement services. However, there was no legal requirement for them to do so, and no authority for any federal agency to require them to remain on safe havens for any period of time.

²⁸ Various iterations of this form were provided throughout the operation. While parole conditions were generally consistent, vaccine requirements were altered slightly over the course of the mission. The form provided after September 7, 2021 added the requirement that all Afghan parolees receive “other age appropriate vaccines” as determined by the CDC.

²⁹ USCIS, Vaccination Requirements for Afghan Parolees, <https://www.uscis.gov/vaccination-status>.

³⁰ Remarks by DHS representative, January 27, 2022, The Judge Advocate General’s Legal Center and School. Most “independent departures” were individuals with legal permanent residence status, U.S. Citizens, or others with ties in the country such that resettlement assistance was not needed.



JOINT BASE MCGUIRE-DIX-LAKEHURST, NJ, UNITED STATES

01.14.2022

Photo by Tech. Sgt. Matthew Fredericks

Afghan guests speak with Coast Guard Commandant, Admiral Karl Schultz and Department of Homeland Security Deputy Secretary John Tien, at Joint Base McGuire-Dix-Lakehurst, New Jersey, Jan. 7, 2022.

Chapter 2: Funding OAW

2-1 Establishing a three-tiered resourcing framework

a. Background: funding DSCA

Unlike for other DoD missions, there is no funding specifically appropriated to support DSCA missions. Rather, support to civil authorities is generally provided on a cost-reimbursable basis, primarily through the Stafford Act (42 U.S.C. § 5121 et. seq.) or the Economy Act (31 U.S.C. § 1535-36).

The Stafford Act allows FEMA to use federal funds to coordinate and pay for certain types of emergency responses to manmade and natural disasters, including hurricanes, fire, floods, or explosions.

The Economy Act more broadly allows federal agencies to share goods and services to meet emerging needs. The Economy Act sets out requirements for the ordering agency to reimburse the agency providing the goods or services.³¹ This authority essentially allows agencies with operational authority for a certain mission to use resources from another agency to meet those mission requirements.³²

b. Unique funding and resourcing solutions

Until funds were appropriated to support OAW,³³ DoD was required to draw from existing resources. Authority to do so was derived from a [July 23, 2021 delegation](#) from the President to the Secretary of State, authorizing DOS to drawdown up to \$200,000,000 in articles and services from the inventory and resources of any government agency and the DoD under the Foreign Assistance Act.³⁴ This is known as Presidential Drawdown Authority (PDA), which is described in more detail below. However, this authority was limited in scope and by dollar amount, and was insufficient to cover a mission as expansive as OAW. Additionally, PDA is intended to allow an agency to use resources already in its possession. It does not generally allow an agency to spend money, unless under certain types of previously existing contracts.

OAW was unique in that there was no clearly applicable funding source or authority sufficient for the operation. PDA was limited, the operation fell outside of the Stafford Act, and efforts to enter into reimbursable agreements via the Economy Act were largely unsuccessful.

³¹ For a complete discussion of these funding authorities, see Chapter 12 of the 2021 [Domestic Operational Law Handbook](#).

³² For more discussion on the Stafford Act and the Economy Act, see Chapter 12 of the 2021 Domestic Operational Law Handbook.

³³ Continuing Resolution (H.R.5305), passed by Congress on September 30, 2021, provided the first major appropriation in support of OAW, and included 2.2 billion dollars in OHDACA appropriations to support OAW.

³⁴ Memorandum for the Secretary of State on the Delegation of Authority Under Section 506(a)(2) of the Foreign Assistance Act of 1961, July 23, 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/23/memorandum-for-the-secretary-of-state-on-the-delegation-of-authority-under-section-506a2-of-the-foreign-assistance-act-of-1961/>. (Encl. 9).

Compounding the problem, the speed and emergent nature of the evacuation operations meant that any supplemental congressional funding was lagging.³⁵

Because of the lack of funding available in the early stages of the operation, the DoD was required to simultaneously build villages capable of sustaining thousands of Afghan evacuees, including providing food, medical treatment, security, and other basic services, while determining how best to fund these operations. Over the course of several months, practitioners settled on a three-tiered approach described below. The following funding mechanisms are listed in order of preference.³⁶

- (1) Presidential Drawdown Authority: On July 23, 2021, under a Presidential delegation of authority, the Secretary of State directed drawdown under the Foreign Assistance Act of 1961. This was the first preference for resourcing OAW. It is a DoD cost without reimbursement.

This is the most clearly established legal basis for DoD/Army support to OAW. This authority is derived from section 506(a)(2) of the Foreign Assistance Act, which is codified as 22 U.S.C. § 2318. It authorizes the drawdown (or use, or give away) of articles and services from the U.S. Government. In other words, the DoD can use up to a certain amount of its own resources to support State Department operations, consistent with the Foreign Assistance Act. However, this authority limits whole of government expenditures to just \$200 million dollars, of which no more than \$75 million per year can come from DoD. For an operation as massive in scope as OAW, DoD reached this limit quickly.

- (2) Economy Act, 31 U.S.C. § 1535: The Economy Act promotes economy in the federal government by allowing agencies to share resources.³⁷ After Presidential Drawdown Authority, this was the secondary mechanism for funding OAW. To operationalize this funding mechanism, DOS issued Economy Act orders to DoD for certain services and resources. Under these orders, DOS would reimburse DoD for the “actual cost” of all such support, using its Emergency Refugee and Migration Assistance (ERMA) appropriation, among others.

Initially, DoD relied on the assumption that Economy Act reimbursement was forthcoming for operations at each installation. But in practice, reimbursable activity happened only at one Army site, Fort Lee, only for lodging at the on-post hotel, and only through September 30, 2021. As of the date of this publication, neither the State

³⁵ Unlike following the Vietnam War, when Congress passed the Indochina Migration and Refugee Assistance Act, setting aside \$405 million for a two-year evacuation and resettlement operation to assist refugees of the Vietnam War. Public Law 94-24, 89 Stat. 89 (1975). See, <https://history.house.gov/Exhibitions-and-Publications/APA/Historical-Essays/Growing-Diversity/Refugee-Crisis/>.

³⁶ For more thorough discussion, see Encl. 10, Summary of Authorities and Decisions, October 7, 2021.

³⁷ See also, DoD 7000.14-R, Volume 11A: Reimbursable Operations Policy. https://comptroller.defense.gov/Portals/45/documents/fmr/Volume_11a.pdf

Department nor DHS reimbursed the DoD for support at any of the other seven installations, or for activity at Fort Lee after 30 September 2021.³⁸

- (3) OHDACA: Third and least preferred, whenever Drawdown and the Economy Act orders did not cover costs due to inapplicability, maximums reached, or other reasons, DoD used its Humanitarian Assistance authority pursuant to 10 U.S.C. § 2561. The correct funding source for all such support is the Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) appropriation. While there was some debate regarding whether or not OHDACA could be used to support foreign persons already arrived in the United States, it eventually became the default funding mechanism for direct support to the Afghans.³⁹ This was due in large part to the fact the DoD had access to OHDACA funds available following the drawdown in Afghanistan, and also because when Congress did appropriate funds to the DoD for OAW, they did so in the form of billions of dollars in OHDACA appropriations. In practice, while this was the least-preferred method of resourcing support, it quickly became the primary means for funding OAW.⁴⁰

2-2 Memoranda of Understanding and Interagency Support Agreements

[DoD Instruction 4000.19, Support Agreements](#) establishes regulations for intra-governmental support agreements. The regulations require that the terms and conditions of performance and methods for reimbursement be outlined and agreed upon between agencies via an FS 7600A form, which is usually attached to a Memorandum of Agreement (MOA), Memorandum of Understanding (MOU), or other written document.

In the case of OAW, only one installation – Fort Lee – was able to complete an MOU (initially drafted as an MOA) and FS Form 7600A with the lead federal agency (at the time, DOS). Pursuant to the terms of the MOU, Fort Lee would provide support as requested by the State Department, and would be reimbursed via the Economy Act.

a. The MOU drafting process at Ft. Lee

Fort Lee initially drafted an MOA which included expectation of reimbursement by DOS. After the parties were unable to reach agreement on reimbursement provisions, the document was redrafted as an MOU. Fort Lee provided the following description of the MOU drafting and negotiating process, including recommendations for how to improve the process moving forward.

Discussion. Drafting of the MOU was in accordance with DoD Support to DOS for Afghan SIV Applicants EXORD 1.E. (Encl. 1). The EXORD stated, “DOS

³⁸ Later Requests for Assistance specifically indicated that the requests were for non-reimbursable support. See, e.g., enclosure 15.

³⁹ 10 U.S.C. § 2561(a)(1) 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*.

⁴⁰ Secretary of Defense / Deputy Secretary of Defense memo on OHDACA funding. (Encl. 11).

and/or designated grantee or contracted personnel will provide all care for the SIV applicants, including wrap-around services, clothing, medical services, COVID-19 testing, transportation, security, public affairs engagement, and other daily needs, which will be reflected in a Memorandum of Agreement (MOA) between the host installation commander and DOS.”

The Fort Lee SJA and DSJA led the process of drafting the MOA, which originally included an expectation of reimbursement. Immediately, Fort Lee DSJA reached out to find a similar MOA to serve as a template. Drafting involved gathering initial staff, military police, and garrison input regarding DoD and DOS responsibilities and proposed reimbursement. Once the DSJA gathered all stakeholder input, the MOA went through multiple stages of higher headquarters legal review. Once those recommended changes returned to the Fort Lee OSJA, they were consolidated and sent back out to the stakeholders for review and comment.

As the date of Special Immigrant Visa Applicants (SIVA) arrival approached, the SJA sat with the DOS principal to go line by line through the MOA noting amendments and gaining concurrence. In the last days prior to the arrival of the SIVA, the MOA went through over 50 revisions with 20 different versions drafted in 48 hours. It helped to have a single attorney, in this case the Chief of Administrative Law, who acted as the subject matter expert for the document to gather and make changes while ensuring version control.

The Combined Arms Support Command (CASCOM) CG who was the stated signatory “Installation Commander” and Senior Mission Commander, also requested summary documents to match the numerous draft versions for his review.

Just hours before the SIVA arrived at Fort Lee, the DOS Comptroller disapproved all of the reimbursement language within the document and renamed the SIVA “Afghan Special Immigrants” (ASI). The SJA immediately consulted with U.S. Army North (ARNORTH), the Army Office of General Counsel (OGC), and the contracts and fiscal action branch (KFAB) of the Office of The Judge Advocate General (OTJAG). All ultimately agreed to remove the reimbursement language, framing the agreement as an MOU, rather than the MOA required by the EXORD.

Near the end of the negotiating process, Headquarters, Department of the Army (HQDA) was able to finalize the agreement (without the reimbursement language). Having the ability to immediately make changes in the final hours helped to assure the likelihood of signature and approval on July 30, 2021. Fort Lee OSJA then produced an initial draft FS Form 7600A, which was negotiated by the Army Budget Office, HQDA.

Areas for improvement. This process would have run more smoothly had higher headquarters been able to provide a sample MOU/A including reimbursement language through an FS Form 7600. Additionally, a brief from the headquarters-level attorneys who had advised on the initial request from DOS, directly to the installation-level attorneys involved in the MOA/U drafting process, would have provided Fort Lee judge advocates with a better understanding of the goals of the mission and of the agreement, and would have allowed for easier negotiations with the Lead Federal Agency (LFA).

Sustain.

1. Review the draft document with command and installation stakeholders early in the process to account for installation specific issues. For example, at Fort Lee, thirty Garrison subject matter experts (SMEs) were able to review a sample agreement from Fort Bliss between DoD and DHS, and analyze how or if each provision applied to Fort Lee specifically.
2. Create a summary document of the MOU which may be easily briefed to the commander. For example, a separate document listed a summary and “so what” for each section of the MOU. This process assisted the SJA in briefing the MOU to the commander and assisted the attorney drafting the document to note errors and easily reorganize throughout the drafting process.
3. Designate one attorney responsible for consolidating input, updating drafts and circulating the document for stakeholder input.

b. Other installation efforts

Several other installations made efforts to execute similar agreements with both the State Department and the Department of Homeland Security. During negotiations, however, evacuees began arriving on installations and mission requirements forced DoD officials to begin performing without funding agreements in place.

DoD and other agency attorneys on every installation housing Afghan parolees spent time drafting and negotiating MOUs with both DHS and DOS that were ultimately never signed. This was due in large part to the fact that DHS’s lead agency designation came with no additional funding or authority. Thus, DHS had no way to reimburse the DoD. At the same time, once the scope of the mission expanded beyond Fort Lee, DOS was unable to provide funding to support additional base operations.

This was an issue of concern highlighted by almost every installation supporting OAW. Failure to execute interagency support agreements initially stalled decisions on purchasing due to perceived lack of fiscal authority. It also forced the DoD to look to using OHDACA funds, which came with significant limitations on spending.⁴¹

⁴¹ The Defense Security Cooperation Agency regulates the use of OHDACA funds. Using OHDACA on this domestically, on this scale, required the Defense Security Cooperation Agency to provide guidance to the field regarding how to properly categorize and analyze purchasing decisions. The Defense Security Cooperation

While DoD's ability to influence DOS/DHS to sign MOUs or other interagency funding agreements was quite limited, it should be stressed that executing such agreements prior to a DSCA mission is a best practice and helps to avoid complicated fiscal issues that come with an unfunded civil support mission. As of the date of this publication, Fort Lee is the only installation with a signed MOU, and also the only installation that was reimbursed pursuant to the Economy Act.

2-3 The Contract Acquisition Review Board (Fort Lee)

Task Force (TF) Eagle (Fort Lee) established a daily Contract Acquisition Review Board (CARB) in late July 2021, in the early stages of the operation. It served to validate the overall acquisition strategy as well as all contracting and purchasing requirements. Chaired by the TF Eagle Deputy Commanding General (DCG) and led by the TF G-4, the CARB consisted of representatives from all parties involved in the contracting/purchasing process for the operation including:

- Army Materiel Command (AMC),
- CASCOM G-8,
- Garrison G-8, SJA,
- Army Sustainment Command (ASC),
- Army Mission and Installation Contracting Command (MICC),
- DOS (and later DHS),
- Requirement owners,
- Management Decision Package (MDEP) Managers, and
- Senior Contracting Official (SCO) ARNORTH, on an as needed basis.

As requirements were generated by the field, the CARB reviewed and approved acquisition strategy fundamentals and validated the requirements. After the board approved and validated, the requirement entered the contracting process. (see, Encl. 12).

The CARB met frequently throughout the operation to manage a broad range of purchasing requirements. Purchases reviewed and approved by the CARB included: small Government Purchase Card requirements, larger contracts for the Logistics Civil Augmentation Program (LOGCAP), the relocation of Army Logistics University (ALU) students aboard Fort Lee, bus transportation, the housing of the SIVs at the privately run hotel on the installation, interpreter services, and more.

Establishing and utilizing a CARB was identified as a best practice for this operation. Having a central review point for all financial commitments, involving all stakeholders, increased efficiency and the speed of decision making, allowing urgently needed requirements to be approved quickly.

Agency's rules and policies, designed for relatively small, discrete projects overseas, caused major issues once OHDACA became the primary funding mechanism. As such, developing or identifying a different funding mechanism, and/or drafting new policies for use of OHDACA funds that would allow more flexibility for these types of operations would alleviate some of the funding challenges.

2-4 How OHDACA Funds were used to support the mission

The decision to use OHDACA funds to support OAW was made carefully and only to support certain categories of costs. Enclosure 10 includes guidance provided by the Defense Security Cooperation Agency regarding which purchases would constitute the type of humanitarian aid that could be appropriately funded using OHDACA.

Please note that the guidance in Enclosure 10 was provided in real time, to facilitate ongoing operations associated with this particular mission. It is not a substitute for independent legal analysis.

2-5 Disposal of goods purchased with OHDACA

The Overseas, Humanitarian, Disaster and Civic Aid (OHDACA)⁴² appropriation can be used to support humanitarian projects “worldwide.”⁴³ However, the Defense Security Cooperation Agency policies governing use of the funds are designed for relatively small, discrete projects overseas, and not for a major domestic operation. As such, in the case of OAW, the Secretary of Defense specifically authorized using OHDACA funds to provide humanitarian assistance to Afghan evacuees within the U.S. (Encl. 13).

This funding was subject to certain limitations, including that items purchased with OHDACA funds could not be used for the benefit of U.S. Citizens, and could not be absorbed by the DoD installation upon completion of the mission.

The co-mingling of OHDACA purchases with donated goods became an issue on several installations. Fort Bliss and others worked with their logistics staff to document and track OHDACA purchases to avoid disposition issues at the conclusion of the mission. This effort to segregate donated goods from OHDACA-purchased goods was identified as a best practice at several installations, and was later identified as a requirement via USNORTHCOM FRAGO 182.023. (Encl. 14).

If leftover or excess purchases could not be used for other humanitarian assistance projects, or by another installation engaged in OAW support, then installations worked with the Defense Logistics Agency (DLA) for disposition guidance.

⁴² 10 U.S.C. §§ 401, 402, 404, 407, 2557, 2561.

⁴³ 10 U.S.C. § 2561(a)(1) 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.



CAMP ATTERBURY, IN, UNITED STATES

01.15.2022

Photo by Maj. Jennifer Pendleton

Soldiers assigned to the 2nd Battalion, 12th Cavalry Regiment, 1st Armored Brigade Combat Team, 1st Cavalry Division from Fort Hood, TX., are briefed on redeployment procedures after supporting Operation Allies Welcome at Camp Atterbury, Ind., Jan. 15, 2022.

Chapter 3: Law Enforcement and Security Operations

3-1 Limiting DoD law enforcement operations

With over 80,000 Afghan civilians residing on military installations, judge advocates were quickly faced with the challenge of how to define the limits of DoD's authority to conduct law enforcement and security operations with respect to this population. While installation commanders are ultimately responsible for good order and discipline on their installations, military police forces were often not big enough, and not properly trained to provide law enforcement at the level required for this operation.

For a variety of policy reasons, DoD broadly sought to limit military personnel involvement in routine policing of the Afghans living on the safe haven installations. Furthermore, law enforcement support (specifically, detention and custody of individuals) was not explicitly requested by the Lead Federal Agency, and thus was generally outside of the scope of DoD's authority with respect to the DSCA mission.⁴⁴ (Although of course, commanders retained the authority to enforce good order and discipline on their installations, which includes exercising law enforcement functions.)

To ensure that routine policing and law enforcement responsibility did not, by default, fall to DoD forces, Commander, USNORTHCOM, directed establishment of law enforcement working groups on each installation. (Encl. 16). The objective of these working groups was to identify jurisdictional limitations on each installation and establish protocol for law enforcement responses in coordination with officials at the local, state, and federal level.⁴⁵

Because this was a mission led by the federal government, USNORTHCOM sought to engage federal officials on law enforcement response to the maximum extent possible. Federal officials supporting installation security efforts primarily included officers from the Federal Bureau of Investigations and U.S. Marshals.

Many installations reported that promised federal law enforcement officers either never arrived, were significantly delayed, or reported in smaller numbers than promised. This meant that DoD was often left with the majority of the law enforcement and security responsibilities on several installations. This was identified by many as a cause for concern. Not only were DoD forces not equipped or properly trained to serve as a police force for these all-civilian populations living on

⁴⁴ See, e.g., Secretary of Defense Action Memo at Enclosure 15: "Requested DoD support does not include detention or custody of any individuals, but installation commanders retain the authority to maintain good order and discipline on DoD installations while supporting DOS. Access to the installation by other personnel will be subject to the prior approval of the installation commander."

⁴⁵ Installations are either subject to Federal Exclusive, Federal Concurrent, Federal Proprietary, or State Jurisdiction. Jurisdiction drove working group membership. For example, for installations with concurrent jurisdiction, like Holloman Air Force Base, the local sheriff's office was engaged to a greater degree than on installations subject to exclusive federal jurisdiction. For installations like Fort Lee, which is subject to exclusive federal jurisdiction, task force members consisted of DoD representatives, agents from FBI field office in Richmond and U.S. Marshals.

the installations, but many were concerned that although engaging in law enforcement activities might not violate the letter of the Posse Comitatus Act,⁴⁶ it was considered by many to violate the spirit of the law, and introduced unnecessary risk into mission.⁴⁷

The Posse Comitatus Act

For a complete discussion of the Posse Comitatus Act (PCA), see Chapter 4 of the 2021 [Domestic Operational Law Handbook](#). This section is intended to cover only how or if the PCA limited DoD authority to conduct law enforcement operations during OAW.

Briefly, the PCA (both by statute and DoD instruction⁴⁸) prohibits using the military to “execute the laws of the United States.” It establishes a baseline rule requiring separation of civilian police and military forces. The job of the military is to defend the United States against enemies abroad, while the police are meant to serve and protect those living in the United States. Absent certain exceptions, the military is generally prohibited from exercising police power.⁴⁹

However, the PCA is subject to many exceptions, and does not prohibit all military involvement in law enforcement activities. For example, on a military installation, the installation commander has ultimate responsibility and authority for ensuring good order and discipline. Military police forces are routinely responsible for day-to-day policing on installations, which they accomplish by enforcing traffic laws, conducting routine patrols, responding to emergent incidents, making arrests, etc. Many active duty installations even have resident Special Assistant United States Attorneys (SAUSAs) embedded with their local U.S. Attorney’s office. SAUSAs are primarily responsible for prosecuting cases arising on military installations, when those cases

⁴⁶ The Posse Comitatus Act, 18 U.S.C. §§ 1381 – 1385 (1958).

⁴⁷ “The courts have found no violation of posse comitatus when military personnel arrest civilians on military facilities for crimes committed there, or when military authorities assist a civilian police investigation conducted on a military facility. (For arrest of civilians, United States v. Banks, 539 F.2d 14, 16 (9 th Cir. 1976); United States v. Santana, 175 F. Supp. 2d 153 (D.P.R. 2001). For assistance of civilian LE investigations, United States v. Allen, 53 M.J. 402 (C.A.A.F. 2000) (Air Force investigators assisted local law enforcement to investigate military member’s use of government computer for pornography); People v. Caviano, 560 N.Y.S.2d 932, 936-37 (N.Y. 1990) (Navy personnel made a sailor available for questioning at naval station facilities; the interrogation was conducted by civilian police who subsequently arrested the sailor for an out of state robbery); United States v. Hartley, 678 F.2d 961, 978 (11th Cir. 1982) (military inspectors who discovered evidence of fraudulent conduct by defense contractors “aided the civilian employee in charge of the investigation only to the extent of activities normally performed in the ordinary course of their [military] duties”); State v. Trueblood, 265 S.E.2d 662, 664 (N.C.App. 1980) (military search (with consent) of on-base quarters in connection with a civilian investigation of off-base drug dealing by military personnel); State v. Nelson, 298 N.C. 573, 260 S.E.2d 629 (1979) (military inventory of personal effects of AWOL soldier were conducted primarily for a military purpose pursuant to a regulation designed to safeguard private property and protect service against claims); Commonwealth v. Shadron, 471 Pa. 461, 465, 370 A.2d 697, 699 (1977) (military police acting within the scope their authority did not violate the Posse Comitatus Act by making a soldier available, at the Air Force base where he was stationed, to civilian investigators for interrogation by the civilian officers and by permitted the civilians to search the defendant’s possessions with his consent).” Congressional Research Service Report on Posse Comitatus and Related Matters, at 50 – 51, November 6, 2018. <https://crsreports.congress.gov/product/pdf/R/R42659>.

⁴⁸ U.S. DEP’T OF DEF., INSTR. 3025.21, DEFENSE SUPPORT OF CIVILIAN LAW ENFORCEMENT AGENCIES (27 Feb. 2013) (C1, 8 Feb. 2019).

⁴⁹ 18 U.S.C. § 1385 – Use of Army and Air Force as posse comitatus; 6 U.S.C. § 466. For more discussion on the PCA, see Chapter 4 of the [2021 Domestic Operational Law Handbook](#).

fall outside of the jurisdiction of the Uniform Code of Military Justice (UCMJ).⁵⁰ For example, if a civilian living on base were to be caught shoplifting from an Exchange, they could be arrested by a military police officer, and depending on the jurisdiction of the installation, prosecuted by local authorities, or by a U.S. Attorney's office, usually through a SAUSA.

However, DoD authorities were reticent about extending these law enforcement functions and responsibilities to serve and protect the thousands of Afghans living on military installations. While legally, the PCA did *not* restrict commanders from providing security and basic law enforcement services for Afghan evacuees, there is little precedent for using Title 10 active duty forces to provide routine police services for thousands of civilians. And in this case, DoD was providing housing and sustainment services at the request of other agencies (namely, DOS and DHS), and in housing units on land that had been leased to DOS.⁵¹ As such, the general consensus by the DoD was that the interagency was better suited than the DoD to coordinate and run routine law enforcement operations.

The MOU between DOS and Fort Lee, for example, outlined law enforcement roles and responsibilities of the parties in accordance with Secretary of Defense guidelines:

DOS is responsible for reporting of alleged misconduct by [Afghan Special Immigrants] to law enforcement . . . Fort Lee will provide external security (24/7) of designated ASI facilities. Fort Lee will conduct installation security operations in accordance with its standard operating procedures and will engage with ASI and DOS personnel and contractors only as necessary to ensure overall installation security in emergency situations. DOS resident advisor system and Fort Lee law enforcement will ensure mutual understanding of their respective duties and responsibilities and emergency procedures, prior to ASI arriving to Fort Lee. If ASI personnel are found outside of their designated sites and facilities, Fort Lee law enforcement will monitor their whereabouts, and passively engage without escalating tension. Law enforcement will also notify DOS, who will send an escort to transport the ASI personnel back to their designated sites and facilities. (Encl. 6 at 3.4.3)⁵²

However, no other installation was able to execute such an MOU. Others did, however, establish law enforcement response protocols and other procedures to address misconduct or other criminal activity on their installations.⁵³

⁵⁰ National Guard installations, on the other hand, are generally patrolled by state law enforcement officers or Military Police in a State Active Duty or Title 32 status.

⁵¹ DOS executed land use agreements with the DoD for the property on which each of the Afghan villages was established. The agreements contemplated reimbursement for all costs associated with maintenance and development for OAW support. Sample agreement for Fort Bliss is included at enclosure 17.

⁵² See also, Fort Lee Law Enforcement Response Concept of Operations (CONOP). (Encl. 18).

⁵³ *Id.*

3-2 Jurisdictional considerations

Many installations reported that ascertaining jurisdiction on the temporary Afghan villages was more difficult than anticipated. These jurisdictional determinations were critical in developing effective, predictable, and coordinated law enforcement responses.

Even though the DoD took efforts to minimize its involvement in law enforcement operations, judge advocates, who were often the only attorneys on the ground full-time, found it necessary to drive coordinating efforts among different law enforcement agencies to ensure common understanding of jurisdictional boundaries and law enforcement responsibility.

As a starting point, many installations had previously existing mutual support agreements with law enforcement and other emergency response agencies in the local areas.⁵⁴ Judge advocates reviewed these agreements, identified gaps, and facilitated communication between law enforcement stakeholders at all levels of government to outline response protocols.

All DoD installations include land that is subject to either state, federal,⁵⁵ or concurrent (both state and federal) jurisdiction. Many installations include property with different jurisdictional statuses. For example, at Holloman Air Force Base, the Afghan village was located on federal proprietary (or proprietorial) jurisdiction, while the processing center was located on federal exclusive jurisdiction.⁵⁶ In practice, this meant that state or local jurisdiction for law enforcement purposes was limited at the processing center.

To determine the jurisdictional status of a village, judge advocates worked primarily with the U.S. Army Corps of Engineers (USACE) regional office. USACE maintains files of all real property surveys, deeds, and other documents, and conducts periodic jurisdictional reviews. As such, USACE regional offices will often have a jurisdictional statement on file, which is usually the definitive word on jurisdictional status of a particular part or parcel of land on an installation.⁵⁷

While USACE statements of jurisdictions are usually sufficient to determine jurisdiction, if those records are not available or out of date, judge advocates should check for deeds, leases, titles, or other real property records on file with the state to identify and establish boundary lines within each installation. Because Afghan support operations were often established on rarely or barely used parts of many installations, this operation served as

⁵⁴ See, e.g., Encl. 19, Sample Mutual Support Agreement.

⁵⁵ Federal jurisdiction could be established by either federal exclusive, concurrent, or federal proprietary jurisdiction.

⁵⁶ See, Army Regulation 405-20, Federal Legislative Jurisdiction.

⁵⁷ See sample jurisdictional statement at enclosure 20; Similarly, on Air Force installations, judge advocates should check with their installation civil engineer responsible for maintaining deeds or leases for installations. See, e.g., The Military Commander and the Law, 2016. https://dacipad.whs.mil/images/Public/10-Reading_Room/04_Reports/03_DoD_Reports_Regs_Surveys/AirForce_Military_Commander_Law_Chap5_2016.pdf

reminder that installations often have internal boundaries encompassing different areas of state and federal jurisdiction.

If jurisdiction could not be definitively established, or while determinations were pending, a best practice identified by different installations was to have both a federal and state law enforcement officer jointly respond to each incident. This required coordination and planning, which was usually facilitated by the installation and Staff Judge Advocate.

3-3 Installation efforts to address misconduct

Below is a brief summary of measures taken by installation commanders to address misconduct or other criminal activity among the Afghan populace. It should be noted that criminal activity was by no means a pervasive issue at any of the installations. However, there were limited reports of domestic violence and child abuse type offenses that required law enforcement responses, and subsequently required installation commanders to decide whether or not it was safe or prudent to allow the offender to remain on the installation.

a. Standing Rules for the Use of Force (SRUF) and law enforcement response procedures

While DHS did eventually release a Physical Security Concept of Operations (see next section and Encl. 21), for the first two months of the operation, procedures were developed at the field level. Many installations built on the framework first established by Fort Lee (encl. 18) plugging in security partners as required based on jurisdiction and personnel resource limitations.

While the legal status of the Afghans was clear (they were civilians invited to stay on base, free to leave at any time) communicating this status to forces assisting with law enforcement and security operations was a challenge. As such, many installation judge advocates developed briefs on SRUF to be followed during engagements with Afghan parolees. A sample SRUF brief is included for reference. (Encl. 22).

b. Warning letters

Afghans arriving to the United States were confronted with significant social and cultural changes while living in close quarters and awaiting resettlement determinations. These stresses led to infrequent incidences of domestic disputes, which presented both practical and cultural challenges for responding entities. In order to ensure that both cultural norms and laws were clear, some installations began issuing warning letters to put Afghan guests on notice that their actions had been deemed inappropriate or criminal, and could establish a basis for removal from the installation.

Fort Bliss was one such installation. They described the process as follows:

Warning letters played a key role in addressing guest misconduct. When a guest engaged in an act of misconduct in violation of U.S. law or the rules of [the Afghan village aboard the installation], they would proceed through the normal Military Police (MP) reporting process and then be provided a warning letter drafted by the Fort Bliss legal team in coordination with the DOS Afghan Cultural Liaison. The warning letter acted as both a type of demerit and mechanism for educating the guest that their behavior was inappropriate or illegal. The intent of the letter was to clearly communicate to the guest that their actions were wrong and that they could be removed from the installation for their misconduct.

Over the course of OAW, the warning letter proved to be highly effective in educating the guest on their misconduct and deterring future misbehavior. Original versions of the warning letter, which were written like a normal legal citation, were difficult to translate and hard for guests to understand. The letter was later revised using simple language with limited use of legal terms, allowing for a fluid translation into Pashto or Dari.⁵⁸

c. Misconduct Review Boards

Installation commanders are familiar with, and routinely exercise authority to bar an individual from base in accordance with 18 U.S.C. § 1382. However, using this authority to bar an Afghan parolee from base was a decision made carefully and in close coordination with agency partners. Most Afghans had no connections to the United States, no bank accounts, no work permits, and no place to live. So permanent removal from base carried with it serious implications for the safety and welfare of the individuals who may be subject to the order.

To account for these heightened considerations, certain installations established “Misconduct Review Boards” (MRB) to consider cases of misconduct and make recommendations for base barment.

Fort Bliss provided the following description of its MRB battle rhythm, structure, and procedures:

The MRB was a regular battle rhythm event that was convened to review the cases of guests who had re-offended or engaged in serious misconduct. The purpose of the MRB was to determine if the guests committed the offense and whether or not the guest deserved to be removed from the installation. The standard of proof used to determine whether or not the offense had been committed was a preponderance of the evidence. The MRB consisted of three voting members (two sergeants major and one lieutenant colonel), a recorder, a legal advisor, a DHS advisor, a DOS advisor, law enforcement advisor, Afghan cultural liaison, a PMO [provost marshal] representative and an MP [military police] representative. Members of NGO [non-governmental organizations] groups would often also attend the board to provide input on the cases.

⁵⁸ See, Enclosure 23 for sample warning letter.

In selecting cases for the MRB, the PMO would scan the blotter reports for guests who were repeat offenders or who engaged in misconduct serious enough to merit a review by the MRB. PMO would send a list of these guests' cases to the judge advocate on site for review. The judge advocate would review the cases and advise whether each case was appropriate for the MRB. Once a case was approved for the MRB, the board attendees would be notified of the case and provided a digital copy of the case file, at least two days before the MRB.

The MRB would convene every Thursday at 1700. It would open with a brief from the legal advisor explaining the purpose of the board and the roles of its members. The MP representative would provide a brief summary of the case and then witnesses would be called telephonically. The board president would open the floor for discussion and the appropriate representatives and liaisons would provide input based on their relevant area of expertise. Once the board president felt that there was no more need for discussion, he would close the room for deliberation.⁵⁹ The three voting board members would then decide if: (1) evidence was sufficient to prove that the guest had committed the alleged misconduct; (2) if the misconduct warranted their removal from installation; and (3) any additional recommendations they might have in connection to the case. Upon making a decision by two-thirds vote, the board president would fill out an MRB recommendation sheet that would be presented to the CG along with the case file for approval, rejection, or modification.

If the board found that the evidence was insufficient to satisfy the standard of proof, there would be no further decision, and they would make a recommendation that the CG or garrison commander withdraw the warning letter issued to the guest for the case before the board. If the board recommended removal, the CG would seek input from the DOS and DHS leads at the installation before making the decision to approve or disapprove. If approved, the guest would be removed from installation within 24 hours.

Upon removal, the guest would be given the option to be taken to the airport, the bus station, or a local social services center. If the guest had family at the installation, the family would be allowed to stay or depart with the guest. If the board found the guest committed the misconduct but recommended retention, the guest would be allowed to stay, although the board could recommend the guest be required to participate in community service or attend DOS/NGO led courses as a condition of their remaining on the installation. Courses provided by DOS and NGO groups included classes on U.S. laws and norms, gender based violence, proper parenting, anger management, and more.

The decision to remove a guest was taken extremely seriously by the board and was only recommended in one case. The ability for the board to recommend that a guest be required to attend a DOS/NGO course or perform community service as

⁵⁹ Encl. 24 - 26 for sample board script, CG action memo, Legal MFR, and barment letter.

a condition of their remaining on the installation in lieu of removal provided an effective “pressure release valve” whereby action could be taken against the wrong doer without barment.

Once the CG approved, modified, or rejected the recommendations of the board, the judge advocate would coordinate with PMO and 2/1 AD [2d Bridgade, 1st Armored Division] to ensure that the CG’s decisions were communicated to the guest and carried out.

3-4 DHS Law Enforcement Concept of Operations

In response to demand from the field, DHS released a law enforcement concept of operations (CONOPS), meant to outline roles and responsibilities of different agencies operating on DoD installations. (Encl. 21). The CONOPS created “Physical Security Presence Teams” (PSPTs), designed to “augment base security by providing additional services, including visible, proactive patrols, integration into the Afghan community leaders’ councils, and the provision of education on law enforcement activities in U.S. communities.”

The CONOPS designated agency roles as follows:

- DoD is responsible for safe haven perimeter security and overall DoD installation perimeter security.
- DoD and the Department of Justice (DOJ) have longstanding and well-established procedures for law enforcement activities that occur on bases involving individuals that are not subject to the UCMJ. Pursuant to DODI 5525.07 and the 1984 MOU between DOJ and DOD, DOJ has primary responsibility for the enforcement of federal laws.
- DoD Base Commanders and Federal Coordinators⁶⁰ at each safe haven shall liaise with the appropriate U.S. Attorney’s Office, state and local authorities, and federal law enforcement agencies to develop procedures for field-level criminal investigations and referrals. DoD Base Commanders and Federal Coordinators shall assess necessary force protection measures to ensure the security and safety of our Afghan guests and to ensure good order and discipline at the DoD installations.
- DOJ (through the FBI) will conduct investigations and support prosecutions in coordination with the appropriate U.S. Attorney’s Office and state and local law enforcement officials.
- DOJ, in coordination with DHS, will coordinate the provision of education on community policing, the American justice system, and law enforcement interactions with the public to our Afghan guests.

⁶⁰ Federal Coordinators were designated senior DHS officials on the ground at each installation, with overall responsibility for interagency operations at each safe haven.

- DOJ and DHS to explore the availability of grant funds for possible reimbursement to state and local law enforcement and public safety agencies for supporting law enforcement at safe havens.

Feedback from the field indicated that this guidance was not particularly useful. Many found it difficult to implement because of differing jurisdictional considerations across the safe havens, and impractical due to late arrivals of many of the promised federal law enforcement officers. Had the CONOPS and associated agreements been provided to the field at the outset of the operation, federal law enforcement support may have been more clearly established. Rather, once DoD began conducting the majority of law enforcement operations in the Afghan villages on the installations, it was practically difficult to hand any of those responsibilities over to federal law enforcement officers. Additionally, it was uncommon for the federal law enforcement officers to fully relocate to the DoD installation. Instead they provided “reach back” support from their nearest federal office, usually located at the nearest metropolitan area, with smaller footprints deployed forward.

3-5 Enforcement of Quarantine Orders

During the early stages of the operation, all stakeholders agreed that DoD would facilitate vaccination requirements for the Afghan personnel arriving in the United States.⁶¹ This included standard required childhood and age-appropriate vaccines, as well as COVID-19 vaccines.⁶²

However, measles is endemic in Afghanistan, where thousands of cases are reported every year.⁶³ During the evacuation and resettlement efforts, Afghans were required to live in congregate settings, meaning that some degree of disease spread was inevitable. While there were no major outbreaks reported, isolated cases of measles were detected at various installations. This prompted a discussion of whether or how to issue quarantine orders that would prevent a measles-infected person from departing an installation.

The UCG agreed that the agency with authority to issue a quarantine order was the Center for Disease Control and Prevention (CDC). Because the Afghan individuals were not subject to UCMJ jurisdiction, a military commander would not have had the authority to issue an order requiring an Afghan to remain onboard the installation.

The CDC’s authority to issue quarantine and isolation orders derives from the Public Health Service Act (42 U.S.C. § 264). The authority belongs to the U.S. Secretary of Health and Human Services (HHS), and has been delegated to the CDC.

⁶¹ See, e.g., MOU between Fort Lee and DOS, encl. 6.

⁶² See, e.g., Conditions on Parole, Chap 1-6(a).

⁶³ <https://www.who.int/emergencies/disease-outbreak-news/item/measles-afghanistan>

Under 42 C.F.R. Parts 70 and 71, the CDC is authorized to “detain, medically examine, and release persons arriving in the United States and traveling between states” who are suspected of carrying certain communicable diseases.⁶⁴

The CDC ultimately never had to issue quarantine orders to manage disease outbreak at any of the safe havens. However, when the action was contemplated, there was some disagreement and confusion surrounding which agency had the authority to actually enforce the order or detain an individual who failed to comply with the order. This was exacerbated by a memo from the UCG on September 5, 2021, directing that DoD ensure that certain vaccinations and screenings are given to all arriving Afghans, and further directing that while no one should be forcibly vaccinated, DHS “should be notified immediately if any individual fails to comply with [vaccination] requirements, absent a documented medical justification.” The memo indicated that U.S. Immigration and Customs Enforcement (ICE) “will take steps to place these individuals in custody and terminate parole.” (Encl. 27).

While this seemingly answered the question of which agency would take action to terminate parole, it did not answer the question of how to enforce any potentially forthcoming CDC quarantine orders. Rather, it left many installation judge advocates with the impression that ICE was responsible for enforcing quarantine orders, which was not actually the case.

CDC quarantine orders are enforceable by “public health authorities” who can be assisted by federal, state, and local law enforcement.⁶⁵ Ultimately, the UCG decided that any CDC-issued quarantine orders would be enforced by federal law enforcement officers, primarily including the U.S. Marshal Service.

This highlights another area where judge advocates should engage with their law enforcement task force to ensure that responsibility for enforcing quarantine orders is clearly established. While enforcement of quarantine orders would likely fall outside of the authority of the DoD, judge advocates should seek to coordinate early in order to avoid confusion.

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⁶⁴ <https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>

⁶⁵ 42 C.F.R. Parts 70 and 71.



JOINT BASE MCGUIRE-DIX-LAKEHURST, NJ, UNITED STATES

02.01.2022

Photo by Staff Sgt. Mikaley Kline

U.S. Air Force Airmen, assigned to Task Force-Liberty, sing the “head, shoulders, knees and toes” song with Afghan children in Liberty Village on Joint Base McGuire-Dix-Lakehurst, New Jersey, Feb. 1, 2022.

Chapter 4: Ethics

4-1 A Whole of Community Operation

Operation Allies Welcome was not only a whole of government operation, but a whole-of-community operation. When Afghans began arriving in the U.S., donations and volunteers quickly began arriving at installations. Many were coordinated through non-governmental organizations (NGOs) who were plugged in with officials on the ground or in the UCG, but many arrived *ad hoc*.

While there was certainly a need for goods and services in support of Afghans, Joint Federal Ethics Regulations clearly prohibit federal employees or service members from soliciting donations.⁶⁶ While any solicited donations would have been for the benefit of the Afghan population and not for the personal benefit of any DoD entity, installation judge advocates sought to make this distinction evident by limiting how and to what extent service members should be involved in donation collection and management.

Coordinating volunteer services was a more difficult question. Volunteers offered to provide services that would have otherwise likely been provided by DoD personnel. These included translator services, medical services, and general logistics support. This supplemental assistance was necessary to meet the needs of the thousands of Afghans living on bases, particularly with respect to medical care. However, improperly accepting volunteer services could constitute DoD incurring unobligated expenses, thereby violating the Anti-Deficiency Act.⁶⁷ This section covers the ways in which judge advocates analyzed and executed volunteer service operations, as well as donation management.

4-2 Volunteer services

Private individual volunteers as well as (NGOs) were critical to the success of OAW. Volunteers supported medical, education, translation, food preparation, and other operations in support of the Afghan parolees. Because DoD was the most visible agency throughout the operation, volunteers often approached DoD to offer services. This came in the form of both NGO offers for service, as well as offers from Afghans themselves who sought to help their communities by offering translation, meal preparation, education, and other services.

The preferred option for managing all offers for volunteer services was to direct the volunteer to either the DOS or DHS representative on the installation. This option both alleviated the DoD ethics concerns, and properly allowed DHS to coordinate volunteer operations through the Senior Response Official, who (besides certain DOS officials) was the only

⁶⁶ 18 U.S.C. § 201(b), 5 C.F.R. § 2635.808(a)(1).

⁶⁷ 31 U.S.C. 1342 prevents federal agencies from accepting voluntary services unless the individual offering the service executes an advance written agreement that (1) states the services are offered without expectation of payment, and (2) expressly waives any future claims against the government.

designated member of the federal government authorized to receive or solicit gifts, including volunteer services, on behalf of OAW.⁶⁸

For instances where volunteers could not be directed to DHS or to the UCG, [DoD Instruction 1100.21, Voluntary Services in the DoD](#), establishes policy and procedure for acceptance and use of voluntary services as authorized by Section 1588 of Title 10.

A note on interpreters

Dari and Pashtu interpreters were critical to all aspects of this operation. The DoD eventually determined that Afghan parolees could be employed as interpreters after receiving the proper work authorization. (Encl. 29). This determination, initially issued by Fort Bliss and ultimately circulated throughout the interagency, explained the process of obtaining work authorization and concluded that Afghans could provide translation services on an informal, volunteer basis as a stop-gap.

While Afghan interpretation/translation support happened more or less organically in the face of strained communications, it is worth highlighting as a reminder that the DoD should be careful about employing or accepting volunteer services in any formal capacity, especially if those services might later be viewed as improperly augmenting DoD operations without funding authority.

4-3 Donations

Federal law and implementing service regulations prohibit members of the DoD from soliciting or accepting gifts absent an exception to the rule.⁶⁹ Legal issues surrounding donated goods manifested in three primary ways: (1) DoD's gift acceptance, (2) fundraising by DoD members in their personal capacity to support OAW, and (3) DoD support for distribution of donated goods. Each is addressed below.

a. Gift acceptance

While most donations were very clearly offered to support Afghans and not intended for service members, concerns were raised early on about the appearance of impropriety of members of the military receiving large quantities of donated goods intended for humanitarian parolees. There was also concern regarding how the military would effectively account for and track donated goods. Additionally, this task was outside of the scope of duties assigned to the DoD, and fell much more squarely within the logistics section of the UCG, and to the NGOs operating at the field level. Therefore, to mitigate risk, many OSJAs worked with NGO coordinators on the ground, or with their Public Affairs Officers, who kept lists of NGOs accepting donations in support of OAW. This allowed DoD members to coordinate donation transfers with NGOs or with other agencies, and remain involved with donation collection and management only to the extent necessary.

⁶⁸ Encl. 28, Delegation of Authority from Secretary of Department of Homeland Security to Senior Response Official (SRO). *But see*, 2 FAM 960 regarding Solicitation and/or Acceptance of Gifts by the Department of State. <https://fam.state.gov/fam/02fam/02fam0960.html>

⁶⁹ 5 C.F.R. §2635.202.

b. Fundraising in a personal capacity

No one was more aware of the needs of Afghans arriving on DoD installations than the DoD members supporting OAW. As such, many military members sought to fundraise or to volunteer time to support NGO operations on the installations. According to Joint Ethics Regulations, military members and civilians can only fundraise in an official capacity to support certain designated causes (e.g., The Combined Federal Campaign, Mutual Assistance). Fundraising is defined as “raising of funds for a nonprofit organization through the solicitation of funds or sale of items, or participation in the conduct of a fundraising event (an event where the cost of attendance or participation may be taken as a charitable tax deduction).”⁷⁰

However, members have significantly more freedom to fundraise in a personal capacity. The only restrictions on personal fundraising include: (1) soliciting from a subordinate or a prohibited source, (2) using your official title, position, or authority to support the fundraising effort, (3) fundraising while on duty, and (4) wearing your uniform while fundraising, as that would impermissibly imply endorsement of the fundraising activity.

Judge advocates advised members wishing to support NGO operations that they could only do so during their off duty time, and not while in uniform. They also advised commands that they should not direct any member to “volunteer” their time during their duty day.

c. Limited Logistical Support to NGOs, and Endorsement

With NGO coordination came the risk that DoD could be seen as improperly endorsing a particular private entity. As a general rule, Federal Ethics Regulations prohibit an employee from using his or her government position or title, or any authority associated with his or her public office to endorse any product, service or enterprise.⁷¹ Judge advocates at certain installations noted that by providing potential donors with lists of NGOs to which to donate, they might be considered to have impermissibly endorsed those organizations. In order to mitigate this risk, judge advocates instructed those speaking with potential donors to make clear that the list of NGOs provided was not exclusive, and also that these entities were not endorsed by the DoD.

In addition to the endorsement issue, the DoD had to address how members could support the donation management operations. While the guidance was clear --judge advocates should direct all donation related issues to NGOs on the ground or to interagency partners-- in practice, donation collection and distribution *without* the aid of military members was impossible.

As such, installation judge advocates directed that military members provide only limited logistical support to donation collection and management operations, like access to available facilities for donation storage. Fort Lee, as the first installation to face this issue, had to maneuver quickly to provide the installation chaplains with advice on what they could do to provide limited logistical support. The SJA drafted a garrison commander approval

⁷⁰ 5 C.F.R. § 2635.808(a)(2).

⁷¹ 5 C.F.R. § 2635.702(a).

memorandum pursuant to JER 3-211, along with legal opinion which provided guidance to chaplains who found themselves coordinating volunteers.⁷²

When NGOs were spread thin and unable to provide support, spouses volunteered to provide a significant amount of support to donation operations. Judge advocates assisted by assuring coordination with the LFA and ensuring LFA-assessed needs were communicated to the volunteers.

Fort Bliss likewise recognized this issue quickly and provided the following analysis. Ultimately, they recommended that because volunteer support is never guaranteed, military installations supporting these types of operations should coordinate with the LFA early and often.

Discussion. Throughout the mission, NGOs required support from DoD for the storing, transportation, and occasional distribution of donated supplies. The OSJA advised that 1AD may provide limited logistical support (LLS) to NGOs supporting OAW. This LLS could extend to the use of installation facilities and the use of non-tactical vehicles to transport donations to designated NGO facilities on the Afghan Village (AV).

NGOs provided requested support on a limited basis and subject to several prerequisites. Soldiers were authorized to load the donations and drive the vehicles as necessary, but were directed not to hand out supplies to Afghan guests, as that would exceed LLS. The prerequisites for 1AD support were as follows: (1) the support did not interfere with 1AD's performance of its official duties, or detract from its readiness; (2) 1AD community relations with the immediate community, and 1AD public affairs or military training interests were served by the support; (3) it was appropriate for 1AD to associate with the nature of the support/organization that was supported; (4) 1AD's support was of interest and benefit to the community; (5) the support was not prohibited by statute or any other regulation; and (6) there was no cost to the community, or the supported recipient of the benefit, to receive said benefit of the 1AD's limited logistical support.

At the start of the mission, the majority of donated aid distribution was handled by the Red Cross. In mid-October, the Red Cross departed. Following their departure, there were insufficient volunteers to support the distribution of donated supplies that were critically needed by the guests, such as baby supplies. As a result, the OSJA revisited the issue of DoD support to the distribution of donated aid.

The OSJA advised that, due to the shortage of volunteers, DoD personnel could help in the distribution of essential life-saving aid, such as baby supplies, on an emergency basis, until a reliable source of volunteers could be found to replace the departed Red Cross volunteers. DoD personnel were to operate in a "backstage" capacity as much as possible, by storing, processing, and stocking of

⁷² Fort Lee Legal Review, Enclosure 30.

donated goods. The OSJA further clarified that DoD personnel should not be put in the position where they were to hand donated goods directly to guests unless there was no other option available.

Due to an inability to find a source of steady volunteers, the process of involving backstage DoD support became an enduring solution. The limited number of regular volunteers who were available operated in the front of the distribution sites, handing out goods, while DoD personnel operated backstage along with any spare volunteers who were available.



WHITE SANDS NATIONAL PARK, NM, UNITED STATES

01.05.2022

Photo by Pfc. Anthony Sanchez

U.S. Air Force Senior Master Sgt. Michael Owen, assigned to Task Force Holloman, shows an Afghan child a view of the mountains while at White Sands National Park, New Mexico, Jan. 5, 2022.

Chapter 5: Miscellaneous

5-1 Introduction

The breadth of OAW--a mission supporting over 80,000 Afghan evacuees at military installations across the United States on almost zero notice--introduced a host of novel legal issues. This largely stemmed from the fact that no particular agency had both the resources and authority to assume responsibility for all aspects of this operation. Rather, many agency authorities and resources had to be cobbled together to meet the needs of the mission. However, when those agency resources were unavailable, the mission frequently fell to the responsibility of the DoD by default. What follows is a brief overview of some of the issues related to the interagency aspect of this mission, a note on “JAG syncs,” and an alphabetized list of issues encountered by judge advocates supporting operations at the eight safe haven installations.

5-2 Interagency Cooperation

Any DSCA mission presents challenges associated with interagency operations. In OAW, this was heightened by virtue of the fact that this operation involved agencies at all levels of government, none of which had the funding or resources to manage the entirety of the mission. One installation provided the following account of issues related to operations with the interagency. This is provided to illustrate what is a commonly noted issue in interagency operations: because of DoD’s size, resources, and capabilities, operations that don’t fall neatly under the umbrella of one agency, or under a particular source of funding authority (like the Stafford Act) tend to be passed to the DoD, regardless of whether operational or funding authority have been clearly established:

Cooperation between the inter-agency partners (IAPs) involved in OAW and the DoD, while cordial was often very limited. DOS was originally designated the LFA for OAW, responsible for managing the operation. However, at its core, the maintenance and operation of the Afghan Village (AV) was almost entirely handled by the DoD. Due to a variety of issues, such as insufficient manning, insufficient funding, and lack of support (due to competing interests at multiple safe haven locations), DOS’s ability to contribute to the mission was limited to facilitating the resettlement process for the Afghans, and DHS was restricted to facilitating the immigration process for the guests. All other OAW functions and tasks were delegated to the DoD, either by request or by the simple fact that no other agency could handle the requirement. The OAW campaign plan was separated into six separate lines of effort (LOEs): (1) processing; (2) safety, security, and welfare; (3) health; (4) infrastructure; (5) information and integration; and (6) sustainment. DOS and DHS contributions and input were almost entirely limited to LOE 1 (processing). All other LOEs were DoD led.

This need for the DoD to take “lead” on all LOEs except for processing often gave rise to funding issues or other restrictions that required a request to our IAPs

to help resolve.⁷³ However, in many of these cases, our IAPs were unable to provide the support necessary.

The need to provide COVID tests to NGOs is one example of the friction that arose between the different federal agencies during operations. DHS and DOS both requested that the DoD provide and administer these tests. However, there was no viable funding stream for the DoD to draw from to purchase these tests. Therefore, the DoD had to ask DOS, as the LFA, to make a formal request for the DoD to purchase COVID tests, subject to reimbursement under the Economy Act. However, as was the case several times, DOS declined to submit a formal request pursuant to the Economy Act.

Another instance, not involving funding, involved obtaining volunteers to assist in distribution of aid. Distribution of donated supplies on the AV required a reliable volunteer presence to distribute donated goods. However, the DoD cannot solicit for volunteers, except in a few limited circumstances. As a result, the DoD had difficulty obtaining volunteers when the existing volunteer base pulled out, and turned to the IAPs for support. Pursuant to the DoD request, DHS promised 100 volunteers within a week. However, in the end, DHS's promise fell through at the last moment and they were only able to provide 4 volunteers out of the promised 100.

The above examples were not isolated incidents, but are provided to illustrate some of the challenges associated with the Operation. The lesson was learned early on that if something needed to get done, IAPs would rely on the DoD to make it happen since we provided the vast majority of the manpower (and had the largest available pot of money).

5-3 JAG Syncs

Throughout the operation, USNORTHCOM facilitated a daily "JAG Sync," which shifted to twice each week, and then weekly once the operation slowed significantly. These daily calls, held using Microsoft Teams, involved over 100 judge advocates from units and installations supporting all levels of this operation across all services. During the calls, each service headquarters would be called upon to raise or address any issues, followed by informal briefings by judge advocates at each installation. These calls were invaluable in connecting judge advocates dealing with similar issues across the country, and also ensured that the DoD was providing consistent legal advice at the field level across the entire operation.

⁷³ See two appropriations supporting OAW: Pub L. 117-31, <https://www.congress.gov/117/plaws/publ31/PLAW-117publ31.pdf>, and Pub. L. 117-70, <https://www.congress.gov/117/plaws/publ70/PLAW-117publ70.pdf>.

5-4 Miscellaneous Camp Management Issues

a. Access to Exchange, Dining Facility, etc.

Issue. Could Afghan guests, NGOs, and contractors supporting OAW be provided access to the Military Service Exchanges and Commissaries. Such access would require an exception to AR 215-8/AFI 34-211(I).⁷⁴

Analysis.

1. Afghan guests. Until the Secretary of the DoD specifically authorized an exception allowing Afghan guests to use commissaries and exchanges, judge advocates relied on the ability to treat Afghans as visitors to the installation, as well as on the hardship exception listed in AR 215-8/AFI 34-211(I).

The Office of General Counsel for the Army and Air Force Exchange Service (AAFES) provided the following analysis:

Afghan guests are authorized patrons in accordance with Table 7-2 Line 20 "Persons suffering from hardship." The "Hardship" category authorizes those on the installation to purchase items of necessity. The Afghan evacuees are included in this category since they are arriving with little to no possessions and no opportunity to leave the installation to purchase such items. Items of necessity includes most items for personal use sold by AAFES [Army and Air Force Exchange Services]. This would of course include toiletries, basic clothing and other items needed to maintain hygiene and health. Additionally, as identified in the Afghan evacuee patronage exception granted by the Secretary of the Army, due to the unique and extraordinary mission and the potential hardship those Afghan evacuees who use tobacco might face, tobacco products are included as items of necessity.

Judge advocates at Holloman Air Force Base provided the following:

The Defense Commissary Agency and Army Air Force Exchange Services each have their own command channels, and in this case, access to AAFES mattered more because AAFES could sell tobacco and other products as needed to parolees, contractor employees, and others who were on base yet lacked privileges. Obtaining privilege access for guests required coordination with the Office of the Secretary of Defense. Relevant statutes include 10 USC § 1066 and 10 USC § 2481.

2. NGOs and Contractors supporting OAW. On August 27, 2021, the Assistant Secretary of Defense issued a memorandum authorizing military commanders to grant temporary Military Service exchange and DoD commissary access to NGO and contract organizations for "immediate health, hygiene, sustenance, and other essential needs that arise while providing support [to Afghan evacuees.]" (Encl. 31).

⁷⁴ See, AAEFS Exception Memo Request (Fort Lee), encl. 31.

b. Environmental Assessments

Issue. Supporting OAW required significant new construction and corresponding environmental assessments under the National Environmental Protection Act, 42 U.S.C. § 4321 (NEPA). Other relevant statutes include the Endangered Species Act,⁷⁵ Federal Water Pollution Control Act,⁷⁶ and National Historic Preservation Act.⁷⁷

Analysis. [DoDI 4715.06, Environmental Compliance in the United States](#), provides guidance on environmental compliance during military construction operations.⁷⁸ The U.S. Air Force Environmental Impact Analysis Process (EIAP) is provided in 32 C.F.R § 989; environmental analysis of U.S. Army actions is outlined in 32 C.F.R. § 651. During OAW, judge advocates were tasked with reviewing environmental assessments and subsequent impact analysis of these assessments.

c. Health and Welfare Inspections

Issue. Installation commanders sought to conduct routine health and welfare inspections of the living quarters of Afghan parolees. Under what authority could military members enter the living quarters of Afghans living on installations?

Analysis. This question was raised after it was reported that a young female in a particular village had gone missing. The installation sought to perform a sweep of the village to try to locate the missing person. During the search, military members noticed fire hazards (e.g., smoking in rooms) and other health and safety concerns (e.g., food improperly disposed of attracting pests). As such, judge advocates were asked to advise on a commander's authority to enter the living quarters of an Afghan guest for the purpose of conducting health and welfare inspections.

Judge advocates generally advised that because an installation commander has authority and responsibility for good order and discipline on the installation, including the Afghan village, the installation commander has the authority to order and conduct routine health and safety inspections in the same way he or she would with government-owned, on-base housing.

However, because of cultural and other sensitivities, DoD encouraged installations to defer to DOS and DHS to conduct any mission involving significant Afghan interactions. It was also encouraged that DoD consult with designated "cultural competency advisors" on each installation before and during any health and welfare inspections. While this was not a legal requirement, it was identified as a best practice across the operation.

⁷⁵ 16 U.S.C. § 1531 et. seq.

⁷⁶ The Federal Water Pollution Control Act (FWPCA) of 1948 was amended in 1972 and became known as the Clean Water Act. U.S. ENVIRONMENTAL PROTECTION AGENCY, [epa.gov/laws-regulations/history-clean-water-act](https://www.epa.gov/laws-regulations/history-clean-water-act) (last visited 17 Jun. 2020). The FWPCA, as amended, is found at 33 U.S.C. §§ 1251-1388.

⁷⁷ 16 U.S.C. § 470 et. seq.

⁷⁸ See also, U.S. Army, Commander's Guide to Environmental Requirements, January 2019, https://aec.army.mil/application/files/6015/5016/3759/Commanders_Guide_FINAL_online_version.pdf.

d. Hotel for the Medically Vulnerable

Issue. Many of Afghans arriving in the United States had medical conditions that prevented them from living in temporary on-base housing. As such, the Department of Health and Human Services (and in some limited cases, DoD) contracted with hotels near Ports of Entry to provide accommodations for individuals deemed “medically vulnerable.” Some installations, including Fort Bliss, were more directly involved in procuring and managing operations involving designated housing for the medically vulnerable. Fort Bliss provided the following analysis and recommendation.

Analysis. Numerous guests that arrived at Fort Bliss had either existing medical issues or developed issues that prevented them from being housed in the temporary housing area we established. Physicians provided opinions that these guests could not be safely housed in the housing area (a temporary tent city located in the New Mexico desert approximately 45 minutes from El Paso, TX) and needed more suitable lodging given their conditions. Initially, DOS arranged for a hotel block for these guests. The hotel was located close to the hospital, which allowed for easier transportation for medical appointments and emergency medical attention. After several weeks, DOS handed off the responsibilities for the hotel to Task Force Bliss. A hotel block was maintained for the remainder of the mission to accommodate those guests who medical professionals determined could not safely live in the rudimentary, geographically-isolated housing area.

An additional issue arose when Task Force Bliss requested additional space at the hotel for the Soldiers providing basic life support services to the guests. The OSJA provided several legal opinions that recommended against spending any OHDACA funds on a conference room or additional rooms for administrative support based on the fiscal restrictions on those types of funds.

e. Intelligence Gathering

Issue. An issue arose regarding supplementary intelligence collection on Afghan individuals living onboard DoD installations. For this mission, did DoD have the authority to collect intelligence?

Analysis. Afghans arriving in the United States as part of OAW were subject to certain law enforcement and security screening by interagency partners. DoD was not tasked with conducting intelligence collection, and therefore such collection fell outside of the scope of DoD’s authority. After fielding numerous questions regarding intel collection, Commander, USRNNORTHCOM issued a FRAGO 182.022 to provide clarification:

Afghan evacuees are lawfully present in the U.S. at the invitation of the U.S. Government and are screened/vetted in accordance with inter-agency requirements prior to arrival at CONUS DoD installations. DoD is supporting DHS as the lead federal agency (LFA) and the State Department for processing Afghan evacuees at DoD installations. At this time, neither DHS nor DOS have requested DoD support for counter-intelligence. As such, DoD CI [Counter Intelligence] activities and CI support to federal partners involving Afghan

evacuees, such as additional screening/vetting and/or biometrics collection, is not authorized unless required by a proper DOJ/DHS law enforcement agency or the applicable task force or installation CDR [commander], and approved by Commander, USNORTHCOM. Regardless of the requesting authority, a proper DOJ/DHS law enforcement agency should undertake and/or lead any CI activities or CI support to federal partners involving Afghan evacuees. Furthermore, in all cases where DoD CI activities or CI support involving Afghan evacuees are contemplated, including those in support of a proper DOJ/DHS law enforcement agency, a detailed CONOPS shall be routed through the JFLCC [Joint Force Land Component Command] CDR to CDRNORTHCOM for approval prior to execution.

CI support to FP involving liaison and CI briefings to DoD CI personnel may be conducted at the request of the installation CDR in accordance with [DoDI 5240.22 \[Counterintelligence Support to Force Protection\]](#). DoD CI personnel can/should maintain close liaison with the proper DOJ/DHS personnel at each installation being used to house Afghan evacuees to ensure the efficient/effective flow of information between DoD and the inter-agency as well as readiness to respond to information/circumstances that may warrant CI activities and/or CI support to FP involving Afghan evacuees.

f. Land Use Agreements

Issue. The DoD executed Land Use Agreements with DOS for the land where Afghan villages were established on each of the eight safe haven installations.⁷⁹

Discussion. Land use agreements specified that the Department of the Army or Air Force would not bear any of the costs associated with land use or development. However, they did not specify how those costs would be covered other than that, “[e]xpenses related to the use and occupancy of the premises shall be coordinated separately between the parties, consistent with existing law and regulation.”⁸⁰ DOS, not DHS was party to each of these agreements. The idea was that these agreements could be referenced in reimbursement agreements. However, those efforts were ultimately unsuccessful.

g. Luggage and Mail Distribution

Issue. Most Afghans arriving in the United States were separated from their luggage during travel. How to collect and distribute the luggage was an issue that was brought to DoD personnel on most of the installations, along with the issue of how to distribute mail arriving for Afghan guests. This issue was exacerbated by the fact that many Afghans began ordering goods using online delivery services. It was not uncommon for a guest to pick an address on post at random and have packages delivered, overwhelming the small post mail rooms. In summary, DoD attempted to limit personnel involvement in luggage and mail distribution for a variety of reasons, including because of concerns regarding handling claims associated with lost or missing luggage. A summary of one installation’s analysis of the issue follows below.

⁷⁹ See, e.g., Encl. 17 for sample land use agreement.

⁸⁰ *Id.*

Analysis.

1. Luggage. Leadership at one installation worried that introducing luggage into the camp would increase instances of theft and assault. There was also some reporting of contraband (mostly knives and narcotics) in some guest luggage. One installation commander requested a legal opinion on the legality of withholding guest luggage while the guests were present on the installation.

Installation judge advocates advised that withholding luggage could constitute an unlawful seizure of personal property, which could violate guests' 4th amendment rights, or at the very least open the door to claims for loss or damage. However, they also advised that DoD personnel should not be involved in handling the luggage in any way, including searching the luggage, on the same rational. DoD worked with DHS to reunite guests with their luggage, and made it clear to DHS that they should report back any sightings of contraband that might introduce risk into the villages.

2. Mail. DoD was not specifically tasked with distributing mail to guests on the installations. As such, this task was deemed outside of the DoD's operational authority. While mail could not be withheld, DoD was not obligated to create and run a mail delivery system. FRAGO 182.031 specifically stated as follows:

DoD is not currently tasked with providing mail distribution to the Afghan evacuees housed on DoD installations. As such, DoD personnel shall not conduct mail distribution to the Afghan evacuees until otherwise directed and appropriate guidance is promulgated.

h. Medical Licensing and Credentialing

Issue. DoD contracted with various medical personnel to support this operation. However, the contracts initially did not address medical liability or indemnification. Contractors (and to a lesser extent, volunteers) requested to know how or if they might be indemnified by the DoD or by the interagency while supporting this operation.

Analysis. The UCG issued guidance to address this issue in a memo on October 8, 2021 (Encl. 32). The UCG advised that non-federal medical providers must be licensed in the state where they are practicing medicine, and should always consult with their state licensing authority before practicing in a state in which they are not licensed.

Guidance emphasized that even if non-federal healthcare providers were providing services on a U.S. military base, they could not rely on the DoD healthcare licensure portability statute, 10 U.S.C. § 1094, which only applies to health care providers under the jurisdiction of the military. As such, all contract healthcare providers were ultimately required to have licenses to practice in the states to which they were deployed, or have reciprocity agreements with those states.

The lesson learned for DoD was that medical contracts need to be very specific about credentialing requirements so that contractors could hire properly licensed and credentialed individuals to support. DoD did not have the authority to indemnify medical contractors who were licensed out of state.

The licensing requirement was actually misunderstood by the prime contractors at the time of award, but was corrected in the weeks following, largely via grants of reciprocity by the various states concerned, as well as extensions of COVID-19 emergency licensure portability provisions in some of the states, including New Jersey.

- The New Jersey Exception

At least one state, New Jersey, issued an emergency order providing for liability coverage for health care providers working under a particular DoD contract to provide medical services to Afghan evacuees. In the order, the state attorney general highlighted the ongoing COVID-19 medical care related concerns and the limited in-state medical personnel available to support both pandemic and OAW operations. (Encl. 33). Working directly with states to mitigate these issues in the future could be an effective back-up plan. However, emphasis should be on clarifying licensing and credentialing requirements before contracting for support.

i. Medical Evacuations (MEDEVAC)

Issue. Many installations were located in fairly remote locations. As such, some requested to know if military aircraft could be used to MEDEVAC Afghans who needed higher level care.

Analysis. Installation commanders have the authority to authorize aerial transportation of individuals who are in immediate danger of serious injury or death. [DoDI 4515.13, Air Transportation Eligibility](#), defines the term “individual” to include an alien lawfully admitted to the U.S. for permanent residence. The term “individuals” was therefore considered to cover the Afghan parolees, as they were lawfully admitted into the United States with the opportunity to attain permanent resident status.

Additionally, Commanders may use Immediate Response Authority (IRA), as explained in [DoDD 3025.18, Defense Support of Civil Authorities](#), to take necessary action to save lives or prevent suffering. However, IRA is meant for unforeseen emergencies, and not to plan for routine medical transport. For more discussion on IRA, see the [Domestic Operational Law Handbook, Chapter 2.C.](#)

j. Public Affairs

Issue. OAW was a high visibility operation, requiring close coordination between installation public affairs officers and judge advocates. Additionally, the proximity of several of the safe haven installations to Washington, D.C. resulted in frequent Congressional and other high profile visits.

Discussion/Analysis. Public Affairs support was specifically requested by DOS in the early stages of the operation.⁸¹ Judge advocates worked closely with public affairs officers (PAOs) to ensure certain rules and protocol were followed. For example, at the beginning of the operation, interagency policy prohibited photographing any of the Afghan guests. Ensuring that messaging made it to the PAO often fell to the judge advocate. Additionally, judge advocates worked with PAO on certain events or efforts to ensure compliance with ethics regulations (e.g., ensuring that PAO worked with news outlets, to the extent possible, to limit headlines like, “Fort Lee Asks

⁸¹ See, Initial State Depart FRA and SecDef Action Memo, Enclosures 1 and 2.

Local Public for Donations for Afghan Support”). It was critical that the judge advocate understood the role of the DoD, the interagency, state and local partners, and NGOs, and be able to communicate those roles effectively to the PAO.

k. Searches by Canine/Drug Detection Dogs

Issue. One installation reported recurring instances of contractors selling marijuana to Afghan guests. The installation commander sought to bring military drug detection dogs onto the installation to search for narcotics, and requested a legal opinion on the proposed operation.

Analysis. Judge advocates advised that drug dogs could be used to scan public areas of the villages, including parking lots, the dining facilities (DFACs), and recreational areas. Whether or not a “dog sniff” inspection constitutes a search under the Fourth Amendment depends on whether the sniffing is occurring in a place where a person has a reasonable expectation of privacy. Dog sniff inspections in public places therefore generally do not constitute searches under the Fourth Amendment. Dog sniff jurisprudence can be complicated, so judge advocates are advised to look to case law and service regulations in determining whether a sniff constitutes a search.

l. Tobacco Purchases

Issue. Afghans on military installations were provided access to base commissaries and exchanges to purchase necessities. This access was permitted under the hardship exception to AR 215-8/AFI 34-211(l). However, it was originally only intended to be used to allow Afghan guests to purchase clothing, food, toiletries, and other necessities. But it quickly became clear that tobacco, which is central to Afghan culture, should be included as an authorized purchase.

Analysis. Prohibiting Afghans from purchasing tobacco at an exchange or commissary was a source of discontent, contributing to personal hardship of Afghans just arriving in the United States. Furthermore, access to exchanges under a hardship exception technically would have allowed Afghans to purchase any goods they wished.⁸² The first exception to policy, granting Afghans full access to Army and Air Force Exchange Services (AAFES) was granted at Fort Lee, by the Secretary of the Army, and was subsequently granted at each OAW installation. (Encl. 34).

m. Unaccompanied Children

Issue: Unaccompanied children were identified overseas at staging areas, at domestic Ports of Entry, and at the safe haven installations.

Analysis. Identification of an unaccompanied minor on a CONUS installation or at a Port of Entry triggered a Significant Incident Report (SIR) to the Joint Forces Land Component Command (JFLCC). Such reports were fairly routine due to the fact that family units in Afghanistan are somewhat fluid. Many children who appeared to be in the custody of a parent while overseas were adjudicated by the Department of Health & Human Service’s Office of Refugee Resettlement (ORR)⁸³ to in fact be unaccompanied upon their arrival to the United

⁸² However, for the purpose of maintaining safety onboard the installations, most military commanders restricted the purchase of alcohol.

⁸³ Office of Refugee Resettlement, An Office of the Administration for Children and Families.
<https://www.acf.hhs.gov/orr>.

States. Additionally, it is not uncommon for female children in Afghanistan to be married before the age of 18, meaning that some underage children arrived on installations with their adult husbands. These issues presented sensitive, but significant culture challenges which required that the DoD work closely with the ORR representatives at the installations and with the on-base Cultural Competency Advisors (usually DHS personnel). While DoD did not have significant involvement in operations involving unaccompanied children, it was important that judge advocates had familiarity with ORR and with the SIR process.

Additionally, ORR staffing on the installations was insufficient in the beginning of the operation, largely due to the fact that it was assumed that any unaccompanied children would be identified OCONUS, before being evacuated to the United States. However, once it became clear that many children arriving domestically were indeed unaccompanied, DoD was able to request enhanced ORR staffing at installations requiring it. These needs appear to have been met without issue, and DoD's involvement with unaccompanied minors was largely limited to making SIRs and ensuring interagency coordination.



JOINT BASE MCGUIRE-DIX-LAKEHURST, NJ, UNITED STATES

02.17.2022

Photo by 2nd Lt. Michael Hong

Lt. Gen. Richard W. Scobee, commander of the Air Force Reserve Command, and Chief Master Sgt. Timothy C. White Jr., command chief of Air Force Reserve Command take a photo with members of Task Force Liberty and guests who worked to paint a mural depicting the journey of the Afghans resettling from Afghanistan to the United State

The following sections contain documents originating from other federal agencies and throughout the Department of Defense. Any requests for third-party use of these documents should be sent to the originating agency.

Enclosure 1

DOD SIV Applicant EXORD 201923ZJUL21

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DOD SUPPORT TO DOS FOR AFGHAN SIV APPLICANTS EXORD

Originator: JOINT STAFF DJ3 WASHINGTON DC//JOD NORTH AMERICA//

TOR: 07/20/2021 19:31:33

DTG: 201923Z Jul 21

Prec: Priority

DAC: General

To: CDR USNORTHCOM PETERSON AFB CO, CDR USTRANSCOM SCOTT AFB IL, CSAF WASHINGTON DC, HQDA CSA WASHINGTON DC, CNO WASHINGTON DC, CMC CMC WASHINGTON DC, CMC CMC WASHINGTON DC, CDR USCENTCOM MACDILL AFB FL

OSD POLICY EXEC SECRETARIAT WASHINGTON DC, JOINT STAFF J3 DEP-DIR ATHD WASHINGTON DC, JOINT STAFF J3 DEP-DIR

CC: REGIONAL OPS WASHINGTON DC, JOINT STAFF J3 WASHINGTON DC, JOINT STAFF WASHINGTON DC, NORAD USNORTHCOM CMD CENTER PETERSON AFB CO

PAAUZYUW RUEKJCS0356 2011930-UUUU--RUIPAAA.
ZNR UUUUU ZUI RUEWMCE1272 2011928
P 201923Z JUL 21
FM JOINT STAFF DJ3 WASHINGTON DC//JOD NORTH AMERICA//
TO RUIAAAA/CDR USNORTHCOM PETERSON AFB CO
RUIHAAA/CDR USTRANSCOM SCOTT AFB IL
RUEAHQA/CSAF WASHINGTON DC
RUEADWD/HQDA CSA WASHINGTON DC
RUOIAAAA/CNO WASHINGTON DC
RUJIAAAA/CMC CMC WASHINGTON DC
RUIQAAA/CMC CMC WASHINGTON DC
RUIPAAA/CDR USCENTCOM MACDILL AFB FL
INFO RUEKJCS/OSD POLICY EXEC SECRETARIAT WASHINGTON DC
RUEKJCS/JOINT STAFF J3 DEP-DIR ATHD WASHINGTON DC
RUEKJCS/JOINT STAFF J3 DEP-DIR REGIONAL OPS WASHINGTON DC
RUEKJCS/JOINT STAFF J3 WASHINGTON DC
RUEKJCS/JOINT STAFF WASHINGTON DC
RUIAAAA/NORAD USNORTHCOM CMD CENTER PETERSON AFB CO
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SUBJ/DOD SUPPORT TO DOS FOR AFGHAN SIV APPLICANTS EXORD
MSGID/ORDER,USMTF,2007/JOINT STAFF J35 DDRO WASHINGTON DC/A423//
REF/A/MSGID:DOC/DOD DIRECTIVE 3025.18/YMD:20180319//
REF/B/MSGID:DOC/DOD DIRECTIVE 5111.13/YMD:20090116//
REF/C/MSGID:DOC/ECONOMY ACT 31 USC 1535-36/-//
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REF/I/MSGID:MSG/CJCS PLANORD/091836ZJUL2021//
REF/J/MSGID:MSG/SECDEF VOCO/YMD:20210714//

AMPN/Refs A and B contain authorities and procedures governing Defense Support of Civil Authorities (DSCA).
Ref C is the primary statutory authority under which DoD provides support, on reimbursable basis, to another Federal department or agency.
Ref D is the DoD Instruction (DoDI) governing inter-service and interagency support.
Ref E is the Secretary of Defense (SecDef)-approved DSCA Execute Order (EXORD).
Refs F and G prescribe Rules for the Use of Force (RUF) for U.S. Forces.
Ref H is the SecDef-approved Operation Freedom Sentinel EXORD

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Modification 016.

Ref I is a CJCS planning order.

Ref J is SecDef Verbal Order of the Commander (VOCO) approving DoD support to the Department of State (DOS) for Afghan Special Immigrant Visa (SIV) applicants.//

ORDTYP/EXORD/--//

TIMEZONE/Z//

NARR/This is a SecDef-approved EXORD directing Commander, U.S. Northern Command (CDRUSNORTHCOM) to anticipate providing DSCA to the DOS for SIV applicants paroled into the United States.//

GENTEXT/SITUATION

1. Situation.

1.A. The President's intent is to begin moving certain SIV applicants

out of Afghanistan before the end of

July. A sub-operation of REF H, Operation Allies Refuge, is support to the relocation for eligible Afghan nationals and their families who are in the SIV application pipeline.

1.B. DOS is responsible for the transportation of SIV applicants to their temporary shelter location and, once in the United States, DOS will remain the lead Federal agency (LFA) for housing and care of the SIV applicants.

1.C. The most immediate effort is for DOS to transport approximately 600 SIV applicants and their families (approximately 2,500-3,000 people total), who will be paroled

into the United States pending the completion of SIV processing. The applicants in this population have completed their security check and are nearly complete with the SIV application process. Upon arrival at a U.S. military installation, DOS representatives are expected to receive the SIV applicants in an orderly manner, facilitate the SIV applicants finishing their remaining SIV processing, including a physical exam arranged by DOS, and manage resettlement of applicants that receive their SIV. The expected length of stay at a U.S. military installation is less than a week for each parolee. DOS will finalize the exact requirements for military support and submit a request for assistance (RFA), and SecDef will select the most suitable military installation to provide the requested assistance.

1.D. DOS has informally requested DoD to identify potential facilities and land for DOS use for temporary housing of SIV applicants on DoD installations for up to 3,000 applicants and family members, who will be paroled into the United States. DOS is expected to transmit a formal, written

RFA for facility support in response to demands of SIV applicants as needed.

1.E. As the LFA, DOS and/or designated grantee or contracted personnel will provide all care for the SIV applicants, including wrap-around services, clothing, medical services, COVID-19 testing, transportation, security, public affairs engagement, and other daily needs, which will

be reflected in a Memorandum of

Agreement (MOA) between the host installation commander and DOS.

1.E.1. DoD should be prepared to provide all care and services for

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SIV applicants on a reimbursable basis, or on a non-reimbursable basis subject to the availability of authorities and funding, in the event DOS or other departments and agencies are not able to do so.
1.F. Threat. No specific threats are currently identified.//

GENTEXT/MISSION/

2. Mission. Contingent upon an approved RFA from DOS, DoD will provide temporary housing facilities on a U.S. military installation in the United States in support of DOS requirements on a reimbursable or non-reimbursable basis to house SIV applicants temporarily. Be prepared to provide additional care and services to SIV applicants on a reimbursable or non-reimbursable basis if DOS or other departments or agencies cannot.//

GENTEXT/EXECUTION/

3. Execution.

3.A. Combatant Commanders.

3.A.1. CDRUSNORTHCOM.

3.A.1.A. Coordinate with DOS and the Secretaries of the Military Departments to plan to provide temporary living facilities and other support for SIV applicants at a U.S. military installation in the United States as approved by SecDef and on a non-reimbursable basis subject to the availability of authorities and funding, in the event DOS or other department and agencies are not able to do so.

3.A.1.B. Be prepared to (BPT) coordinate and respond to future SecDef-approved DOS RFAs for additional support for SIV applicants.

3.A.1.C. BPT facilitate the establishment of a MOA between the support base Installation Commander and DOS in accordance with Refs C and D and additional SecDef-approved RFAs for support to SIV applicants.

3.A.1.D. BPT provide details of mission support and facility utilization by submitting a daily situation report to CJCS through J33 (Current Operations). As the Supported Combatant Commander, establish reporting requirements for supporting elements that includes a roll-up of personnel numbers and temporary living facilities. Submit an After Action Report to the Joint Staff J35 within 30 days of the conclusion of the support.

3.A.1.E. If CDRUSNORTHCOM anticipates a requirement for additional authorities or resources, send recommendations and/or requests to the Joint Staff J35 for processing to obtain SecDef or designee decision.

3.A.1.F. BPT provide forces and capabilities to support DOS evacuation of SIV applicants in response to severe weather events and as requested by DOS in future SecDef-approved RFAs or other applicable MOAs.

3.A.1.G. Coordinate with the Secretaries of the Military Departments regarding the availability of using military installations to furnish shelter and incidental services pursuant to 10 U.S.C. 2556 and DoD Instruction 4165.65.

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3.A.2. CDRUSTRANSCOM.

3.A.2.A. BPT provide airlift and capabilities to execute requirements as directed by SecDef, including evacuation of SIV applicants for severe weather events.

3.A.3. All other CCDRS.

3.A.3.A. BPT provide support as required.

3.B. Military Department Secretaries.

3.B.1. Identify and prioritize facilities to support DOS temporary housing of SIV applicants in coordination with CDRUSNORTHCOM and the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities (HDI & DSCA). Consider the availability of furnishing shelter and incidental services pursuant to 10 U.S.C. 2556 and DoD Instruction 4165.65.

3.B.1.A. BPT provide resources and services to support DOS during the support period in accordance with SecDef approved DOS RFAs and applicable MOAs between the support base Installation Commander and DOS.

3.B.1.B. Coordinate use of available facilities with the Supported Combatant Commander.

3.B.2. BPT provide personnel, equipment, and/or other support as requested by the Supported Combatant Commander and as approved by SecDef.

3.B.3. BPT submit daily situation reports to the Supported Combatant Commander as specified in subparagraph 3.B.1.D.

3.C. Chief, National Guard Bureau.

3.C.1. BPT provide support as required.

3.D. Directors of Defense Agencies.

3.D.1. BPT provide support as required.

3.E. Coordinating Instructions.

3.E.1. Commence planning and coordination, and anticipate provision of support to DOS upon receipt of this order. The responsibilities of U.S. Government departments and agencies and the availability of authorities and funding are still being determined.

3.E.2. Support period. The duration of support to DOS operations will be in accordance with

SecDef-approved RFAs from DOS and further direction. Continuous support to DOS remains contingent on other DoD requirements and priorities.

3.E.3. Rules for the use of force are per Refs F and G.

3.E.4. DIRLAUTH ALCON. Keep the Joint Staff informed.

3.E.5. The Supported Combatant Commander will establish reporting requirements for supporting elements and BPT submit situation reports to CJCS through the Joint Staff J33 Current Operations.

3.E.7. Restrictions on support. Unless specifically authorized by law and by SecDef, DoD personnel will not become involved in direct civilian law enforcement activities,

including, but not limited to, search, seizure, arrest, apprehension, stop and frisk, surveillance, pursuit, interrogation, investigation, evidence collection, security functions, traffic or crowd control, or similar activities.

Military personnel are not authorized to carry individual service weapons unless authorized by the

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installation commander, or except as authorized by Ref G. Privately owned weapons and ammunition are strictly prohibited. Appropriate duty uniform will be worn. These limitations do not constrain Commanders' authority and responsibility for maintaining order on DoD installations.

3.E.8. Public Affairs Guidance. The public affairs posture for this mission is Respond to Query (RTQ). The LFA or OSD-PA will make all initial announcements of DoD installations after congressional notification is completed. All media queries will be coordinated with the lead Federal agency (DOS) and USNORTHCOM Public Affairs at (719) 554-6889. DOS will provide a PA liaison personnel at each DoD facility housing SIV parolees as per Ref J. DoD Installation MOAs should include provisions for DOS on-site DoD public affairs presence to promptly respond to queries (RTQ). The following DoD public affairs statement will be utilized by installations supporting Afghan SIV Applicants housing: The Department of Defense, at the request of the Department of State, is providing a temporary housing facility at (location), for approximately (number) Afghan Special Immigrant Visa applicants who are under the care of the Department of State. For more information, please contact the Department of State Public Affairs.//

GENTEXT/ADMIN AND LOG/

4. Admin and Log.

4.A. Funding.

4.A.1. The Joint Staff will not provide funding.

4.A.2. Ref C is the authority for DoD support, on a reimbursable basis, to the DOS as LFA, including for planning, preparing for, and conducting DoD support. For all support rendered by DoD to DOS, units will accurately capture total costs, including pay and allowances, for reimbursement by DOS. For guidance refer to DoD 7000.14-R, Volumes 11a and 11b, and <http://comptroller.defense.gov/rate/index.html>.

4.A.3. Pending receipt of a reimbursement order from the LFA, DoD Services and Agencies will fund as contingency operations IAW DODFMR 7000.14-R, Vol 12, Chapter 23 from current fiscal year appropriations provided in direct budget authority, independent of the receipt of specific funds

for the operation. Costs will be captured using Service/Agency unique Special Purpose Codes and reported to Services/Agency Comptrollers for future reimbursement and formal cost reporting to OSD-Comptroller.

4.A.4. Further guidance on funding will be forthcoming as the responsibilities of U.S. Government departments and agencies and available authorities and funding are determined.//

GENTEXT/COMMAND AND SIGNAL/

5. Command and Signal.

5.A. Command Relationships.

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PAGE 6 OF 6

5.A.1. CDRUSNORTHCOM is the Supported Combatant Commander.
5.A.2. All other Combatant Commanders, Military Departments, and Defense Agencies are supporting.
5.A.3. CDRUSTRANSCOM will retain OPCON of USTRANSCOM mobility forces.
5.A.4. DOS is the LFA.
5.B. Signal
5.B.1. Joint Staff J-33 POC is NJOIC CHOPS. [REDACTED]

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Enclosure 2

(CUI) Action Memo, 22 July 2021, DOD Support to SIV CONUS

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Operation Allies Welcome, After Action Report

ACTION MEMO

JUL 22 2021

DepSec Action *KUH*[REDACTED] OUSD(P) HD&GS/HDI&DSCA
[REDACTED]

FOR: SECRETARY OF DEFENSE

FROM: Dory, Amanda, Performing the Duties of Deputy Under Secretary of Defense for Policy *AD*

SUBJECT: DoD Domestic Support to Department of State for Afghanistan Special Immigration Visa Applicants

PURPOSE: To obtain your approval of DoD support to the Department of State (DOS) as they process Afghan Special Immigration Visa (SIV) applicants in the United States.**COORDINATION:** Policy coordinated this memorandum with the USD(C)/CFO, OGC, and the Joint Staff.**BLUF:** Approving the memorandum at TAB A for Executive Secretary signature will authorize temporary provision of support to DOS for domestic reception and processing of Afghan SIV applicants contingent on Commander, U.S. Northern Command (USNORTHCOM), determining that DoD has the ability to provide the support. The response at TAB A informs DOS that DoD will provide support and that operational coordination with DOS has been delegated to USNORTHCOM.**DISCUSSION:**

- The Deputy Secretary disseminated guidance on July 19 to direct USNORTHCOM to begin planning activities for Afghan SIV transfers to U.S. locations (TAB C). In parallel, the CJCS finalized and released an EXORD for USNORTHCOM providing more direct, operational guidance. The memorandum at TAB A specifically responds to the DOS and delegates operational coordination with USNORTHCOM.
- This memorandum addresses the support DOS requests DoD provide to DOS in the United States for Afghan SIV applicants and their families (DOS-requested support at locations outside the United States is addressed in separate correspondence).
 - DOS requests DoD provide support for up to 3,500 individuals, beginning with approximately 500 to 1,000 on the earliest expected arrival date of July 29, 2021.
- DOS requests that DoD provide emergency housing, sustainment, and support for Afghan SIV applicants and their families at locations inside the United States on a temporary basis while medical, security, and administrative processing is completed before onward transportation (TAB B). This includes:
 - Transportation from the port of entry to the location of the accommodations and local transportation in-and-around the facilities/installation.

Controlled by: OASD(HDI&DSCA)
Category: OPSEC
Control: DELIBERATIVE
[REDACTED]

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Operation Allies Welcome, After Action Report

- Accommodation for individuals and families with adequate heating and/or cooling and adequate space and privacy suitable for individuals as well as families.
 - Wrap-around services, including adequate food that is culturally appropriate, water, bedding, face masks, toiletries, etc.
 - Medical services necessary for adjustment of immigration status and emergency care (e.g., life, limb, and eyesight).
 - Space for religious services, recreational activities, administrative activities, and interviews.
 - Access to the installation for Federal employees, contractors, and humanitarian organization personnel.
 - Information technology support (printers and copiers).
 - Any additional requirements necessary to support the Afghan SIV applicants and their families.
 - Space and support for a DOS-led public affairs cell.
- DoD support does not include detention of Afghan SIV applicants and their families, but installation commanders retain the authority to maintain good order and discipline on DoD installations while supporting DOS.
 - Commander, USNORTHCOM, is coordinating directly with DOS, the Department of Homeland Security (DHS), and the Department of Health and Human Services (HHS) to synchronize DoD support consistent with law and DoD's ability to support.
 - Section 2815 of the National Defense Authorization Act for Fiscal Year 2017 provides that the Secretary of Defense shall not sign a memorandum of agreement with another Federal agency to provide the agency with a vacant facility for purposes of temporary housing support unless the Secretary first submits to the Committees on Armed Services of the House of Representatives and Senate a certification that the provision of the facility to the agency for such purpose will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.
 - On July 19, the Deputy Secretary of Defense authorized Commander, USNORTHCOM, to make this certification after coordination with the Chairman of the Joint Chiefs and the Secretary of the Military Department providing the facilities.
 - Commander, USNORTHCOM, in coordination with DOS, DHS, HHS, the Under Secretary of Defense for Policy, and the Chairman of the Joint Chiefs of Staff, will have the operational flexibility to examine innovative solutions to address alternative solutions and capability shortfalls in an efficient, effective, lawful, and mission-enhancing manner.
 - The Secretary of the Army has identified Fort Lee, Virginia, as the recommended initial location for support.
 - DoD support would be provided on a reimbursable basis in accordance with 31 U.S.C. § 1535 (the Economy Act).

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Operation Allies Welcome, After Action Report

RECOMMENDATIONS:

Approve Fort Lee, Virginia, as the initial DoD installation that will house Afghan SIV applicants and families.

Approve: BAH Disapprove: _____ Other: _____

JUL 22 2021

Approve DoD support to DOS, on a reimbursable basis, if Commander, USNORTHCOM, determines that provision of the support is within the capabilities of DoD to support and complies with Section 2815 of the National Defense Authorization Act for Fiscal Year 2017; and authorize the Executive Secretary to sign the reply memorandum at TAB A.

Approve: BAH Disapprove: _____ Other: _____

JUL 22 2021

Attachments:

TAB A: ExecSec Reply to DOS

TAB B: DOS Request for Assistance

TAB C: July 19 DSD Guidance

TAB D: Coordination

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Enclosure 3

Department of Homeland Security, Lead Agency Designation

BRIEFING ROOM

Memorandum on the Designation of the Department of Homeland Security as Lead Federal Department for Facilitating the Entry of Vulnerable Afghans into the United States

AUGUST 29, 2021 • STATEMENTS AND RELEASES

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Designation of the Department of Homeland Security as Lead Federal Department for Facilitating the Entry of Vulnerable Afghans into the United States

Pursuant to the Homeland Security Act of 2002 and Homeland Security Presidential Directive-5 (Management of Domestic Incidents), and as further complemented by other Presidential policy directives, the President has directed the Secretary of Homeland Security (the Secretary) to lead the coordination of ongoing efforts across the Federal Government to resettle vulnerable Afghans, including those who worked on behalf of the United States. This process includes but is not limited to initial immigration processing, COVID-19 testing, separation of COVID-positive individuals for anticipated quarantine, and resettlement support for evacuees who are neither American citizens nor lawful permanent residents and who will be temporarily accommodated at select U.S. military bases before relocating to communities across the country.

The President has further directed the Secretary to establish a Unified Coordination Group. The Secretary will identify a Senior Response Official, subject to the oversight, direction, and guidance of the Secretary, who shall lead and coordinate the Unified Coordination Group. The Senior Response Official will employ the National Response Framework to enhance unity of effort; develop strategic objectives and priorities; coordinate with senior Federal, state, local, tribal, and territorial officials, as well as representatives of private sector and nongovernmental entities; elevate and resolve national-level resource and policy issues through the National

Security Memorandum-2 process; and lead communication efforts with affected parties and the public.

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All relevant Federal departments and agencies are directed to provide their full and prompt cooperation, resources, and support, consistent with their own responsibilities for addressing the situation, and shall cooperate with the Secretary and the Senior Response Official to ensure a unified Federal response. The President's expectation is clear: the Department of Homeland Security shall serve as the lead Federal agency, coordinating the effort with other Federal agencies with the full support of the entire Cabinet.

Nothing in this memorandum abrogates, alters, or impedes the ability of Federal departments and agencies or Federal officials to perform their responsibilities under law.

JAKE SULLIVAN

Enclosure 4

Domestic Operations Reference List

Federal Incident Management

KEY REFERENCES:

- Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002) as amended.
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, 42 U.S.C. § 5121, et seq., as amended.
- Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), Pub. L. No. 109-295, 120 Stat. 1394 (2006).
- The Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. § 1251 et. seq. (1972), as amended, and the Oil Pollution Act of 1990 (OPA 90) (1991), as amended.
- Executive Order (E.O.) 12241 – National Contingency Plan (1980), as amended.
- E.O. 12472 – Assignment of National Security and Emergency Preparedness Telecommunications Functions (1984), as amended.
- E.O. 12580 – Superfund Implementation (1987), as amended.
- E.O. 12656 – Assignment of Emergency Preparedness Responsibilities, (1988), as amended.
- E.O. 12657 – Federal Emergency Management Agency Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants (1988), as amended.
- E.O. 12777 – Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as amended, and the Oil Pollution Act of 1990 (1991), as amended.
- E.O. 13228 – Establishing the Office of Homeland Security and the Homeland Security Council (2001), as amended.
- E.O. 13286 – Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security (2003).
- Homeland Security Presidential Directive (HSPD) 15/National Security Presidential Directive (NSPD) 46 – U.S. Strategy and Policy in the War on Terror (classified directive), March 6, 2006.
- Presidential Decision Directive (PDD) 63 – Critical Infrastructure Protection, May 22, 1998.1
- HSPD-5 – Management of Domestic Incidents, February 28, 2003.
- HSPD-7 – Critical Infrastructure Identification, Prioritization, and Protection, December 17, 2003.
- HSPD-8 – National Preparedness, December 17, 2003 and HSPD 8, Annex 1 – National Planning.2
- PPD-8 – National Preparedness, March 30, 2011.
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 – 9675 (2011).
- Defense Production Act of 1950, as amended, 50 U.S.C. § 2061 et seq.
- Department of Defense Directive (DoDD) 3025.18, Defense Support of Civil Authorities (DSCA), December 29, 2010, incorporating Change 2, March 19, 2018.

Funding Domestic Operations

KEY REFERENCES:

- 10 U.S.C. §§ 271-284 - Military Support for Civilian Law Enforcement Agencies.
- 10 U.S.C. §§ 251-255 - Insurrection Act.
- 10 U.S.C. § 2012 - Support and Services for Eligible Organizations and Activities Outside Department of Defense (Innovative Readiness Training Program).

- 10 U.S.C. § 2551 - Equipment and Barracks: National Veterans' Organizations.
- 10 U.S.C. § 2552 - Equipment for Instruction and Practice: American Red Cross.
- 10 U.S.C. § 2554 - Equipment and Other Services: Boy Scout Jamborees.
- 10 U.S.C. § 2555 - Transportation Services: International Girl Scout Events.
- 10 U.S.C. § 2556 - Shelter for Homeless; Incidental Service.
- 10 U.S.C. § 2558 - National Military Associations; Assistance at National Conventions.
- 10 U.S.C. § 2564 - Provision of Support for Certain Sporting Events.
- 10 U.S.C. § 2576 - Surplus Military Equipment: Sale to State and Local Law Enforcement, Firefighting, Homeland Security, and Emergency Management Agencies.
- 10 U.S.C. § 2667 - Leases: Non-Excess Property of Military Departments and Defense Agencies.
- 18 U.S.C. § 1385 - Posse Comitatus Act.
- 31 U.S.C. § 1301 - The Purpose Statute.
- 31 U.S.C. §§ 1341-44, 1350-51, 1511-19 - Amount and the Anti-Deficiency Act.
- 31 U.S.C. § 1502 - The Time Statute.
- 31 U.S.C. § 1535 - Economy Act.
- 31 U.S.C. § 3302 - Miscellaneous Receipts.
- 32 U.S.C. § 112 - Drug Interdiction and Counter-Drug Activities.
- 42 U.S.C. § 5121, et seq., as amended - Stafford Act.
- 50 U.S.C. § 2311 - Response to Threats of Terrorist Use of Weapons of Mass Destruction
- National Defense Authorization Act for Fiscal Year 1991, Pub. L. No. 101-510, § 1004 (as amended, Additional Support for Counter-Drug Activities).
- Department of Defense Appropriations Act, 1994, Pub. L. No. 103-139, § 8131 (Emergency Response Fund, Defense).
- Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104-208, § 5802 (Support to International Sporting Competitions - Defense).
- National Defense Authorization Act for Fiscal Year 1997, Pub. L. No. 104-201, § 1031, (as amended, Authority to Provide Additional Support for Counter-Drug Activities of Mexico).
- National Defense Authorization Act for Fiscal Year 1998, Pub. L. No. 105-85, § 1033 (Authority to provide Additional Support for Counter-Drug Activities of Peru and Colombia).
- National Defense Authorization Act for Fiscal Year 2002, Pub. L. No. 107-107, § 1021 (Extension and Restatement of Authority to Provide Department of Defense Support for Counter-Drug Activities of other Governmental Agencies).
- National Defense Authorization Act for Fiscal Year 2002, Pub. L. No. 107-107, § 302, Working Capital Funds.
- National Defense Authorization Act for Fiscal Year 2003, Pub. L. No. 107-248, Title II Operation and Maintenance.

Rules for the Use of Force for Federal Forces

KEY REFERENCES:

- U.S. CONST. art. II, § 1–3 (Executive, Commander in Chief, and Execution of the Laws Clauses, respectively).
- U.S. CONST. amend. IV.

- U.S. CONST. amend. V.
- U.S. CONST. amend. VIII.
- 10 U.S.C. §§ 251–255 - The Insurrection Act.
- 10 U.S.C. § 12301 - Reserve Components Generally.
- 18 U.S.C. § 242 - Deprivation of Rights Under Color of Law.
- 18 U.S.C. § 1385 - Posse Comitatus Act.
- 50 U.S.C. § 2301 et seq. - Defense Against Weapons of Mass Destruction Act.
- Pub. L. No. 105-277 (Omnibus Consolidated and Emergency Appropriations Act 1999), Section 101(h), as amended by Pub. L. No. 106-58, Title VI, Section 623, Sept. 29, 1999.
- CJCSI 3121.01B - Standing Rules of Engagement/Standing Rules for the Use of Force for U.S. Forces, June 13, 2005 (S).
- DoD Directive 5210.56, Arming and the Use of Force, November 18, 2016, Incorporating Change 1, Effective November 6, 2020.
- AR 190-14, Carrying of Firearms and the Use of Force for Law Enforcement and Security Duties, March 12, 1993.
- FORSCOM and USARC Force Protection OPORDs.
- DoDI 3025.21, Defense Support of Civilian Law Enforcement Agencies, Encl. 4 (DoD Support of Civil Disturbance Operations), February 27, 2013, Incorporating Change 1, Effective February 8, 2019.

Intelligence and Information Acquisition During Domestic Operations

KEY REFERENCES:

- National Security Act of 1947 (as amended), codified throughout 50 U.S.C. § 401 et seq. and 50 U.S.C. § 3001 et seq.
- Foreign Intelligence Surveillance Act (as amended), 50 U.S.C. § 1801 et seq.
- Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458 [S. 2845], December 17, 2004.
- The Immigration and Nationality Act (as amended), 8 U.S.C. §§ 1101 et seq.
- The Privacy Act (as amended), 5 U.S.C. § 552a
- Executive Order (E.O.) 12333, U.S. Intelligence Activities, December 4, 1981, as amended by E.O. 13284 (2003), E.O. 13355 (2004) and E.O. 13470 (2008).
- E.O. 13526, Classified National Security Information, December 23, 2009.
- DoD 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components That Affect U.S. Persons, December 1982, Incorporating Change 2, Effective April 26, 2017.
- Department of Defense Directive (DoDD) 3025.18, Defense Support of Civil Authorities (DSCA), December 29, 2010, Incorporating Change 2, March 19, 2018.
- DoDD 5143.01, Undersecretary of Defense for Intelligence (USD(I)), October 24, 2014, Incorporating Change 2, April 6, 2020.
- DoDD 5148.13, Intelligence Oversight, April 26, 2017.
- DoDD 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense, January 7, 1980.

- DoDD 5240.01, DoD Intelligence Activities, August 27, 2007, Incorporating Change 2, March 22, 2019.
- Department of Defense Instruction (DoDI) 3025.21, Defense Support of Civilian Law Enforcement Agencies, February 27, 2013.
- DoDI 3115.15, Geospatial Intelligence (GEOINT), December 6, 2011.
- DoDI 5400.11, DoD Privacy and Civil Liberties Programs, January 29, 2019.
- DoDM 5240.01, Procedures Governing the Conduct of DOD Intelligence Activities, August 8, 2016.
- Secretary of Defense Policy Memorandum, Guidance for the Domestic Use of Unmanned Aircraft Systems in U.S. National Airspace, 18 August 2018.
- Defense Intelligence Agency Regulation (DIAR) 50-30 - Security Classification of Airborne Sensor Imagery, June 25, 1997.
- Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation, (FOUO) April 5, 1979.
- Supplement to 1979 FBI/DoD Memorandum of Understanding: Coordination of Counterintelligence Matters Between the FBI and DoD, (S) June 20, 1996.
- Joint Publications Intelligence series 2-0.
- AFRPD 14-4 – Management of the Air Force Intelligence Surveillance, Reconnaissance and Cyber Effects Operations Enterprise, July 11, 2019.
- AFI 14-404 – Intelligence Oversight, September 3, 2019.
- AFI 14 series on Intelligence.

Military Support to Civilian Law Enforcement

KEY REFERENCES:

- 10 U.S.C. §§ 271-284 - Military Support for Civilian Law Enforcement Agencies.
- 18 U.S.C. § 1385 – Use of Army and Air Force as posse comitatus (“The Posse Comitatus Act” (PCA)).
- Department of Defense Instruction (DoDI) 3025.21 - Defense Support of Civilian Law Enforcement Agencies, February 27, 2013, Incorporating Change 1, Effective February 8, 2019.
- Department of Defense Directive (DoDD) 3025.18 - Defense Support of Civil Authorities (DSCA), December 29, 2010, Incorporating Change 2, March 19, 2018.
- DoDD 5200.27 - Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense, January 7, 1980.
- DoDD 5240.01 - DoD Intelligence Activities, August 27, 2007, Incorporating Change 3, November 9, 2020.
- AFI 10-801 - Defense Support of Civil Authorities (DSCA), January 29, 2020.
- SECNAVINST 5820.7C - Cooperation with Civilian Law Enforcement Officials, January 26, 2006.

Enclosure 5

**(SBU)/(CUI) Request for Assistance (RFA) for CONUS
and OCONUS Temporary Housing, Sustainment, and
Support for Afghan Special Immigrant Visa (SIV)
Applicants**

Transmitted on 17 July 2021

SENSITIVE BUT UNCLASSIFIED**MEMORANDUM FOR MS. KELLY BULINER HOLLY
EXECUTIVE SECRETARY
DEPARTMENT OF DEFENSE**

SUBJECT: (SBU) Request for Assistance for CONUS and OCONUS Temporary Housing, Sustainment, and Support for Afghan Special Immigrant Visa (SIV) Applicants

(SBU) The rapid resurgence of the Taliban in parts of Afghanistan in recent weeks has put Afghan nationals who have supported the U.S. military mission in Afghanistan and their families at grave risk. On July 14, the White House announced an initiative to relocate interested and eligible Afghan nationals and their families who are already being processed for Special Immigrant Visas (SIVs).

(SBU) The Department of State requests that the Department of Defense (DOD) provide emergency housing, sustainment, and support for Afghan SIV applicants and their families at locations inside the United States (CONUS) and outside the United States (OCONUS) on a temporary basis while medical, security, and administrative processing is completed before onward transportation.

- (SBU) CONUS Assistance: The Department of State requests that DOD provide temporary housing, sustainment, and support for Afghan SIV applicants and their families up to approximately 3,500 people at a suitable facility in CONUS. This group of SIV applicants are farthest along in the SIV process and will enter CONUS under DHS' parole authority. A suitability to fly medical screening, security, and administrative screening/processing will be completed, and COVID-19 vaccination (first or single dose) may be administered prior to transport to the United States. We estimate CONUS housing, sustainment, and support will be needed for approximately 500–1,000 people on or about July 28, 2021, and for approximately 3,000–3,500 people in total by August 15, 2021.
- (SBU) OCONUS Assistance: The Department of State also requests that DOD provide temporary housing, sustainment, and support for Afghan SIV applicants and their families at suitable facility(ies) OCONUS. This group of SIV applicants are not as advanced in the process and will require additional time for the required medical, security, and administrative screening/processing. We estimate OCONUS housing, sustainment, and

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support needs for approximately 2,000 people as soon as possible, and up to 20,000 people for approximately 9-12 months. All medical, security, and administrative screening/processing will be completed, and COVID-19 vaccinations may be administered prior to onward transportation.

(SBU) Beginning on or about July 28, 2021, for CONUS and OCONUS locations the Department of State requests that DOD provide transportation from the port of entry to the location of the accommodations; adequate accommodation for individuals and families (with adequate heating and/or cooling and adequate space and privacy suitable for individuals as well as families); sustainment (e.g., adequate food that is culturally appropriate, water, bedding, face masks, toiletries) and other support (including but not limited to providing the medical services necessary for adjustment of immigration status). The Department of State requests space for religious services, recreational activities, and other requirements such as assisted acquisition, local transportation support, and information technology support for Afghan SIV applicants and their families, as well as space for administrative activities, interviews, and installation access for non-Federal employees such as contractors and humanitarian organization personnel, and public affairs support).

(SBU) The Department of State will coordinate with DOD, the Department of Homeland Security, the Department of Health and Human Services, and other applicable Departments and Agencies to process Afghans for onward travel from these temporary locations as quickly as possible.

(SBU) The Department of State is the Lead Federal Agency for this effort and has applicable authorities to support both the CONUS and OCONUS requirements of this effort. The Department of State will work with the Office of Management and Budget and all applicable Departments and Agencies to identify other appropriate authorities and sources of funding from such Departments and Agencies.

(SBU) The Department of State is strongly of the view that this support is necessary to save the lives of Afghans who are at high risk of grave harm at the hands of the Taliban as a direct result of their assistance to and affiliation with the United States. Providing this assistance is in the best interest of the United States to demonstrate our commitment to continue to support our Afghan allies at this perilous time for themselves and their families.

(U) The Department of State's Office of the Legal Adviser has cleared this request.

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(U) The Department of State point of contact for this request is [REDACTED]
PRM/PRP, [REDACTED]

(U) The DoD point of contact for OCONUS aspects of this request is [REDACTED]
[REDACTED] OUSD Policy, [REDACTED] The
DoD point of contact for domestic support aspects of this request is [REDACTED]
OUSD Policy, [REDACTED]

Kamala S. Lakhdhir
Executive Secretary

*Manoela G. Borges for Kamala S. Lakhdhir
Senior Watch Officer
Operations Center
Department of State*

Enclosure 6

Memorandum of Understanding Between Installation
Commander, Fort Lee, and Department of State for
Operation Allies Refuge

**MEMORANDUM OF UNDERSTANDING
BETWEEN
INSTALLATION COMMANDER, FORT LEE, VIRGINIA
AND
DEPARTMENT OF STATE (DOS)
FOR
OPERATION ALLIES REFUGE (OAR)**

SUBJECT: Responsibilities at Fort Lee Support to DOS for Temporary Housing, Sustainment and Support for Afghan Special Immigrants (ASI) W6CLAA-21-MOU-444z

This is a memorandum of understanding (MOU) between Fort Lee and Department of State. When referred to collectively, these are referred to as the "Parties."

1. AUTHORITIES:

- 1.1** DOD Instruction 4000.19, Support Agreements, 12 December 2020.
- 1.2** Economy Act, 31 U.S.C. § 1535-36.
- 1.3** DOD Directive 3025.18, Defense Support of Civil Authorities, 29 Dec 2010, Incorporating Change 2, 19 March 2018.
- 1.4** DOD Directive 5111.13, Assistant Secretary of Defense for Homeland Defense and Global Security, 23 March 2018.
- 1.5** Anti-Deficiency Act, 31 U.S.C. § 1341.
- 1.6** Special Authority, 22 U.S.C. § 2318; Presidential Drawdown Authority under Section 506(a)(2) of the Foreign Assistance Act of 1961.
- 1.7** Migration and Refugee Assistance Act of 1962 (22 U.S.C. § 2601 et seq.)
- 1.8** DOS Executive Secretary Memorandum, Subject: Request for Assistance CONUS and OCONUS Temporary Housing, Sustainment, and Support for Afghan Special Immigrant Visa (SIV) Applicants, 17 July 2021.
- 1.9** Joint Staff EXORD 201923ZJUL 21, DOD Support to DOS for Afghan SIV Applicants, TOR 20 July 2021 19:31:33.
- 1.10** Secretary of Defense Action Memo, SUBJECT: DOD Domestic Support to Department of State for Afghanistan Special Immigration Visa Applicants, Dated 22 July 2021.
- 1.11** Deputy Secretary of Defense Memo, SUBJECT: Department of Defense Domestic Support for Afghan Special Immigrant Visa Applicants, Dated 19 July 2021.
- 1.12** DoD Executive Secretary Memorandum, Subject: DoD Domestic Support for Afghan Special Immigrant Visa Applicants Inside the United States, Dated 22 July 2021
- 1.13** NORTHCOM FRAGO 182 to OPORD 01-17 (Support to DOS for Afghan SIV Applicants), P R 222357Z July 2021.
- 1.14** CASCOM General Order # 1, 27 July 2021.

SUBJECT: Fort Lee Support to DOS for Temporary Housing, Sustainment and Support for Afghan Special Immigrant Visa Applicants W6CLAA-21-MOU-444z

2. PURPOSE: To set forth the conditions and circumstances under which the Parties will perform their respective functions and/or activities related to the processing of ASI on Fort Lee beginning on or about 28 July 2021 until no longer required by DOS or as directed by the Secretary of Defense. This MOU outlines the general responsibilities and support requirements for the ASI population at Fort Lee as requested by DOS. This MOU outlines the functions and responsibilities of the Parties only. The Parties will agree on the support that will be provided on a reimbursable basis in accordance with title 31, U.S. Code, section 1535 (the Economy Act). DoD may also use Presidential Drawdown Authority to the maximum extent practicable. Financial terms will be in the Treasury Form 7600A United States Government Interagency Agreement. Financial specifics will be in the Treasury Form 7600B United States Government Order Form. The Parties plan to complete the initial such agreement no later than August, 10, 2021. For purposes of this MOU, a responsibility to provide services or support should not be construed as a responsibility to fund, whether directly or on a reimbursable basis, such services or support.

3. RESPONSIBILITIES OF THE PARTIES.

3.1. Fort Lee will -

3.1.1. Provide command oversight of operations on Fort Lee concerning the temporary lodging, sustainment and support for ASI. The installation commander retains command oversight of installation facilities balancing DOS requirements against impacts to the installation's mission. The installation commander also retains the authority and responsibility for maintaining good order and discipline on Fort Lee.

3.1.1.1. The facilities identified for DOS use include InterContinental Hotels Group (IHG) hotel facility, Building 9305, Building 9302, Building 9300, Larkin Hall, Building 1107 Building 1111, and the motor pool facility where Garrison Safety conducts its motorcycle training courses.

3.1.2. Provide accommodation for ASI and their families. This includes climate controlled accommodations with privacy for each family, sustainment to include culturally appropriate food, water, bedding, face masks and toiletries, and other necessary support; space for: religious services, recreational activities, administrative activities, interviews, and processing of ASI; other requirements supporting ASI and their families (such as acquisitions, local transportation support, information technology / internet access). Provide medical services and examinations necessary for adjustment of immigration status and emergent medical care, by DOD medical clinicians and/or contracted medical support.

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3.1.3. Provide office supplies and indoor furniture to support the U.S. Department of State, the medical team, and non-governmental organizations (NGOs). Fort Lee will provide all associated contracting services in regards to the displacement of the regular occupants of the IHG hotel facility for the duration of the operation. Army Contracting Command (ACC) and Army Material Command (AMC) are designated, on a funds available basis, to provide contracting services for ASI life support, to include food service, transportation, religious services, and medical services. Linguist support is designated to be provided, initially and on a funds available basis, by United States Army Intelligence and Security Command (INSCOM). A requirements review board, or other requirements centralization function/office, will be established to coordinate current, pending, and future contracting requirement needs by/for ACC, AMC, CASCOT/Fort Lee, INSCOM, and DOS.

3.1.4. Provide installation access for Federal employees, contractors, international organizations (IO) and NGO personnel directly supporting DOS as the lead federal agency (LFA). Fort Lee and DOS personnel will have full access within all facilities used for ASI operations at all times and without advance notice.

3.1.5. Be responsible for baggage and personnel (ASI, DOS and support personnel) transportation from the airport to Fort Lee.

3.1.6. Provide fire and emergency services functions in support of ASI population.

3.1.7. Provide medical exam screening and documentation related to the I-693 Special Immigrant Visa program. This includes associated required vaccinations, a physical exam for leprosy, radiology imaging related to tuberculosis screening, and related laboratory work necessary for the civil surgeon to complete the exam. This does not include treatment that may be medically indicated but not part of the I-693 requirement (such as acute "sick call," urgent, or emergent care). DOD does not have authority to treat beyond services associated with the I-693. Approved medical support will be contracted through LOGCAP. Until LOGCAP medical contract is funded and operational, medical care for injuries or illness threatening life, limb or eyesight will be handled by medical facilities off the installation.

3.1.8. Allocate a portion of the ASI billeting for medical isolation for communicable disease, e.g., COVID-19 (those who test positive but do not require hospitalization) and quarantine (those that were exposed to infected individuals) as circumstances permit. DOS recognizes that DOD or other Federal guidance may impact the provision of services under this MOU. CASCOT is pursuing an exception to policy with USACE and IHG to allow medical isolation in the IHG Hotel. CASCOT will also provide a separate barracks facility if necessary.

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3.1.9. Provide a law enforcement patrol in the vicinity of the ASI housing area within the scope and capacity of already established patrol distribution plans and manning.

3.1.10. Expediently consider, review and, if approved, make non-excess Army real property available to DOS in support of the ASI mission. Decisions to make Army real property available for use by DOS will follow applicable policies, procedures, e.g., environmental reviews, and approval authorities. Every form of outgrant will be authorized by the appropriate Army official and properly documented in a real estate instrument.

3.1.11. Conduct an environmental analysis of impacts for the activities at the installation prior to any occupation of and improvement to sites utilized by DOS. The environmental analysis will be summarized in the Record of Environmental Consideration. Additionally, Fort Lee will assess conditions of real estate property prior to and after occupation of sites utilized by DOS. Fort Lee will not analyze alternatives to using Fort Lee as a visa processing center. Fort Lee will not analyze environmental, economic, cultural, and socioeconomic impacts of moving a population from Afghanistan to final destination.

3.1.12. Fort Lee will capture costs for reimbursement for all reimbursable support rendered by Fort Lee and all increased installation costs related to support of the ASI mission to include costs associated with Logistic Civil Augmentation Program (LOGCAP) contracts. Fort Lee will identify anticipated reimbursable costs and present cost projections to DOS prior to execution for validation and approval. These costs presented may include all measurable and attributable direct and indirect/overhead costs incurred by the installation, tenant units such as Kenner Army Health Clinic, or by outside DOD units who are deployed to Fort Lee, in support to DOS.

3.2. The DOS will -

3.2.1. Maintain emergency contact numbers: The Fort Lee DES Emergency Operations Center (EOC) requires a DOS point of contact (POC) and phone number for contact purposes and emergency response during daily operations. The POC must be available and reachable at all times, including evenings and weekends.

3.2.2. Review and comply with relevant Fort Lee security and environmental protocols.

3.2.2.1. Comply with the Record of Environmental Consideration and enclosures as they pertain to use of the property and environmental compliance. Disposal of any medical waste must be coordinated with Kenner Army Health Clinic POC, [REDACTED]

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3.2.3. All DOS personnel, ASI population, other supporting government agencies, IO/NGOs, and contractor employees must utilize designated access control points (ACPs) as determined by the installation commander. A criminal history check via National Crime Information Center (NCIC) will be conducted on all non-DOD individuals requesting access to Fort Lee.

3.2.4. All DOS personnel, ASI population, other supporting government agencies, IO/NGOs, and contractor employees are subject to daily anti-terrorism/force protection (ATFP) measures (e.g. random vehicle inspections) and subsequent changes based on any increased threat condition (HPCON/THREATCON). Contingency plans for DOS operations in such cases will be identified, to include installation closure. DOS staff and contractors will be identified and maintained on an Entry Authorization List (EAL).

3.2.5. Coordinate for the transportation, accountability and medical services for Government and non-government personnel who are not covered by the scope and authority of medical services established by the request for assistance (RFA).

3.2.6. Screen and test all ASI for COVID-19 prior to arrival at Fort Lee. Upon arrival to Fort Lee, DOS in coordination with Fort Lee, will be responsible to brief ASI on applicable policies and regulations, to include the applicability of CASCOT General Order #1 regarding COVID-19 restrictions.

3.2.7. Provide by-name manifests of all ASI as soon as possible prior to arrival. Identify any special needs and break down by families versus single traveler.

3.2.8. Provide daily updates on ASI case processing progress before onward movement. The format of these reports will be coordinated between DOD and DOS personnel prior to arrival of the first ASI flight.

3.2.9. Provide the DES a roster of all DOS employees, IO/NGO and DOS contractors in advance of arrival at Fort Lee.

3.2.10. Comply with actions required by the Fort Lee HPCON framework and local guidance. If more restrictive, CASCOT GO #1 supersedes other guidance to ensure the health and safety of DOD personnel who may come in contact with DOS staff, IO/NGO personnel, contractors, ASI and other DOS sponsored personnel during the course of mission responsibilities or as DOS staff and DOS contractors enter, move about, and leave the installation each day.

3.2.11. Be responsible as the LFA to coordinate with Department of Homeland Security (DHS) and Customs and Border Patrol (CBP) for custody, control, accountability, and security screening of the ASI population prior to arrival at

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Fort Lee. Fort Lee is not responsible for reception or security screening at the airport.

3.2.12. Work to minimize traffic volume by aggregating transportation (e.g. shuttle busses, carpooling, etc) for DOS personnel/partners from off base lodging/parking location to Fort Lee. Aggregating transportation should be done with COVID-19 restrictions in mind, particularly for unvaccinated personnel.

3.2.13. Participate in meetings and share information as required by DOD.

3.2.14. Within 24 hours of signing this MOU, provide an LNO on site at the EOC during normal operating hours (day shift) and an LNO on call to the EOC during non-duty hours. Ensure LNOs / staff representatives at the EOC and the Interagency Coordination Center (ICC) are on site throughout this mission and for as long as this MOU is in effect. The DOS representative will update Fort Lee daily on the status of all events, incidents and occurrences related to the facility or this MOU, to include any/all current public affairs efforts. Minimize transition during critical periods. The LNO must be prepared and available to synchronize, assist in the collaboration of planning changes, execution of assigned tasks, and perform as a critical information conduit. The LNO's duties include, but are not limited to: attending and briefing at scheduled and unscheduled briefings; inform the Fort Lee Installation Commander or Chief of Staff of the content of relevant reports transmitted to DOS as necessary.

3.2.15. Provide the Network Enterprise Center (NEC) a list of all frequencies for verification to be used in support of this mission to prevent interference with local assigned Installation frequencies. Fort Lee will determine whether these frequencies can be used.

3.2.16. Coordinate any media or congressional engagements with the Joint Visitors Bureau prior to execution, for shared situational awareness.

3.2.17. Actively encourage DOS staff, supporting agencies, ASI population and their children age 12 and over to receive vaccination against the COVID-19 virus.

3.2.18. Ensure continuous surveillance of all individuals for infectious disease and report to DOD officials immediately of all new / suspected cases of infectious disease. Other medical conditions will be reported on a weekly basis, or more often if requested by the Installation Commander.

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3.2.19. Request the use of Army-owned real property. All DOS facilities and equipment will be located on a site approved by Fort Lee Directorate of Public Works (DPW).

3.2.20. Resident Advisor (RA) System – DOS RA monitors residents and calls DES like a hotel front desk: Provide a Resident Advisor (RA) system within all ASI housing areas (hotel and unaccompanied male barracks facilities, if utilized) to assist ASI population with administrative issues, requests for assistance, security concerns or any other issues that may arise, particularly after normal working hours.

3.2.21. Cohort Lead System: Establish ASI Cohorts of approximately 25 ASI with a lead DOS representative (IO / NGO) and a supporting interpreter. DOD will provide a service member as a liaison officer (LNO) to the Cohort lead to coordinate DOD support, (i.e. transportation, supplies, personnel accountability, medical support).

3.2.22. Remove all alterations, additions, betterments, and improvements made, or installed, upon revocation, expiration, or surrender of this MOU, and restore the real property to the same or as good condition as existed on the date of entry under this MOU, reasonable wear and tear excepted.

3.3. All parties -

3.3.1. Agree that housing, sustainment and support for the ASI will be available from July 28, 2021 until no longer required by DOS or as directed by the Secretary of Defense.

3.3.2. Agree that DOS will be the lead for all media engagements and responses and will maintain a DOS Public Affairs Officer assigned directly to Fort Lee to coordinate media engagements and responses w/ DOD support. DOS PAOs are tasked with reporting any information that reflects negatively on this operation and/or DOD personnel. U.S. Northern Command (USNORTHCOM), through U.S. Army North (USARNORTH), leads DOD public communication efforts. Fort Lee PAO will communicate directly with USARNORTH PAO, and DOS local representatives regarding media queries and daily reporting. Any communication efforts outside the scope of published guidance will be coordinated with DOS PAOs who will in turn coordinate with ARNORTH and USNORTHCOM PAOs. Fort Lee retains authority to communicate mission support internally to Fort Lee community.

3.3.3. Will arrange 24/7 medical support to the ASI population. DOD may contract this requirement or request support from Fort Lee within the scope of DOD

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authorities. Until the LOGCAP medical contract is funded and operational, DOS must arrange for ASI population to receive any non-I-693 related medical treatment off-post or through another mechanism (for example, fractures, twisted ankles, diarrhea due to new food, or respiratory issues).

3.3.4. Agree to not administer unofficial visitation requests for the ASI population. At DOS request, and due to US Citizenship and Immigration Service (USCIS) time constraints and administrative and medical requirements, unofficial visitation of the ASI population is not feasible or requested. DOS may grant exceptions to their visitation policy and request visitation (and base access) after advance coordination with Fort Lee staff.

3.4. Safety/Security:

3.4.1. DOS personnel and contractors must comply with applicable laws pertaining to occupational safety and health.

3.4.2. DOS, IO/NGO and other DOS sponsored personnel will fully comply with all background checks required by the Crime Control Act of 1990, as amended (the "ACT"). DOS agrees that it retains full legal responsibility for complying with the background check provisions of the ACT, that it will comply and that it retains all liability for doing so. DOS understands that use of the facilities are permitted with all provisions of Department of the Army Permit No. DACA63- 4-21--0542 for use of the real property site with access to ASI population.

3.4.3. DOS is responsible for reporting of alleged misconduct by ASI to law enforcement. Fort Lee Law Enforcement will utilize DOD contracted interpreters through the IHG call site. Fort Lee will provide external security (24/7) of designated ASI facilities. Fort Lee will conduct installation security operations in accordance with its standard operating procedures and will engage with ASI and DOS personnel and contractors only as necessary to ensure overall installation security and in emergency situations. DOS resident advisor system and Fort Lee law enforcement will ensure mutual understanding of their respective duties and responsibilities and emergency procedures, prior to ASI arriving to Fort Lee. If ASI personnel are found outside of their designated sites and facilities, Fort Lee law enforcement will monitor their whereabouts, passively engage without escalating tension. Law enforcement will also notify DOS who will send an escort to transport the ASI personnel back to their designated sites and facilities.

3.4.4. DOS will not forcibly restrict ASI population from leaving the installation; however, in the event an ASI does leave the installation without authorization, DOS / USCIS will no longer process their application for SIV. An

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unauthorized departure from the installation will result in the ASI not being allowed to reenter the installation (a bar from post). DOS will promptly notify DHS, any other appropriate Federal Law Enforcement Agency and DOD that an ASI has left the installation without authority. DOS will discourage ASI from leaving the life support area (LSA) including building 9905, the IHG hotel, and supporting facilities. DOS (and supporting agencies) will report any unauthorized departure from the authorized areas to DOD and appropriately reinforce expectations and rules regarding movement on and off of Fort Lee and installation security and accountability.

3.4.5. Unless specifically authorized by law and the Secretary of Defense, DOD personnel will not become involved in direct civilian law enforcement activities, including, but not limited to, search, seizure, arrest, apprehension, stop and frisk, surveillance, pursuit, interrogation, evidence collection, security functions, traffic or crowd control, or similar activities off of DOD installations. No DOD personnel will prevent an ASI who decides to depart the Fort Lee installation at any time, from departing of their own accord. These limitations do not constrain Commanders' authority and responsibility for maintaining good order and discipline on DOD installations. ASI and DOS personnel, contractors and IO/NGO personnel will be treated the same as all civilians on Fort Lee.

3.4.6. DOS is responsible for immediate notification of all security incidents within the ASI site and facilities, to include incidents involving imminent danger to DOS Parties, or others (e.g., riots, etc.) to DES, any other appropriate Federal Law Enforcement Agency and DOD. At DOS request and expense, Fort Lee will provide Law Enforcement in the same manner and in accordance with procedures used as with any other response to incidents involving Civilians on the installation. Fort Lee is exclusive federal jurisdiction and only federally accredited law enforcement agencies have jurisdiction on Fort Lee.

3.4.7. Fort Lee DES will maintain control of all law enforcement incidents that occur within the limits of Fort Lee. DOS personnel and contractor employees will contact the Fort Lee dispatch center for any incident which requires a law enforcement response.

3.4.8. Violations of post regulations. Law Enforcement patrol notifies Watch Commander/PMO Operations of violation. PMO Operations notifies EOC. EOC dispatches DOS transportation and interpreter to location of violation. Designated DOS transportation escorts ASI to housing area.

3.4.9. Misdemeanor offense. Law Enforcement patrol notifies Watch Commander/PMO Operations of offense. Patrol apprehends ASI if necessary (apprehension may entail simple instruction to remain in place). PMO Operations

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notifies EOC. EOC dispatches DOS transportation and interpreter to location of offense. Law enforcement static patrol in vicinity of ASI housing area follows transportation/interpreter. Designated DOS transportation escorts ASI to ASI housing area. PMO Operations notifies the SAUSA. The SAUSA coordinates with the AUSA. Patrol completes the Law Enforcement Report.

3.4.10. Felony offense. Law Enforcement patrol notifies the Watch Commander/PMO Operations of offense. Patrol apprehends ASI. PMO Operations notifies EOC and CID. EOC dispatches DOS transportation and interpreter to location of offense. Law enforcement static patrol in vicinity of ASI housing area follows transportation/interpreter. PMO Operations notifies US Marshals. PMO Operations notifies the SAUSA. The SAUSA coordinates with the AUSA. US Marshals assume custody. Patrol completes the Law Enforcement Report.

4. GENERAL PROVISIONS:

4.1. Points of Contact: The following POCs will be used by the Parties to communicate in the implementation of this MOU. Each Party may change its POC upon reasonable notice to the other Party. For purposes of this provision, written notice via electronic mail will be deemed reasonable notice.

4.1.1. For Fort Lee.

4.1.1.1. Gregory Harding, Deputy Garrison Commander, USAG Fort Lee, [REDACTED]

4.1.1.2. Scott Brown, Director, Directorate of Plans, Training, and Mobilization, USAG Fort Lee, [REDACTED]

4.1.1.3. RESOURCE MANAGEMENT: Robert Edwards, Jr., Director, Resource Management Office, [REDACTED]
[REDACTED]

4.1.2. DOS. Hilary Ingraham, DOS Officer-in-Charge Fort Lee, [REDACTED]
[REDACTED]

4.2. Correspondence: All correspondence to be sent and notices to be given pursuant to this MOU will be addressed, if to Fort Lee, to –

4.2.1. Robert Edwards, Jr., Director, Resource Management Office, 3312 A. Avenue, Fort Lee, VA 23801.

And, if to the DOS, to – Eric Hembree, Comptroller, Bureau of Population,

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Refugees, and Migration, 2025 E Street NW, Washington, DC, 20522.

4.3. Review of Agreement: This MOU will be reviewed monthly for financial and readiness impacts.

4.4. Modification of Agreement: This MOU may only be modified by the written agreement of the Parties, duly signed by their authorized representative.

4.5. Disputes: Any disputes relating to this MOU will, subject to any applicable law, Executive Order, Directive, or Instruction, be resolved by consultation between the Parties in accordance with DODI 4000.19.

4.6. Termination of Agreement: This MOU may be terminated by any Party upon written notice to the other Parties. The MOU may also be terminated at any time upon the mutual written consent of the Parties.

4.7. Transferability: This MOU is not transferable.

4.8. Entire Agreement: It is expressly understood and agreed that this MOU and its Attachments embodies the entire understanding between the Parties regarding the MOU's subject matter.

4.9. Funding: This MOU does not document the obligation of funds between the parties. Any obligation of funds for reimbursable support under this MOU will be accomplished using a 7600 financial inter-agency agreement form meeting the requirements of the Economy Act. The obligation of funds by the Parties is subject to the availability of appropriated funds. Nothing in this MOU shall be construed to obligate the Parties to expend or obligate funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

4.10. Effective Date: This MOU takes effect beginning immediately after all Parties have signed it.

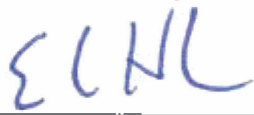
4.11. Expiration Date: This MOU expires when support is no longer required by DOS or as directed by the Secretary of Defense, unless the parties agree to modify.

5. ATTORNEY REVIEW: This MOU has been reviewed by the Office of the Staff Judge Advocate, Fort Lee, and the DOS, Office of the Legal Adviser, and is determined to be legally sufficient.

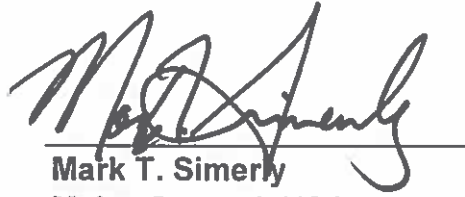
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6. AGREED:

ERIC L HEMBREE Digitally signed by ERIC L HEMBREE
Date: 2021.07.30 19:06:25 -04'00'



Eric Hembree
Comptroller
Bureau of Population,
Refugees, and Migration
Department of State



Mark T. Simerly
Major General, USA
Commanding

Enclosure 7

Fort Pickett “Welcome Aboard” Memo

Welcome Aboard Brief

Good morning/evening/afternoon Welcome to Camp Pickett in Blackstone, VA, my name is _____ and I am the Mayor of _____. I am from 3d Bn 6th Marines and with me are my Marines.

We are here to support you and your family as you prepare to resettle in permanent locations within the United States.

We realize you have made a long and difficult journey. While you are here, we will do our best to support you and provide a safe and comfortable location as we continue your resettlement process. During your time with us, we ask that you help each other by respecting everyone, following the village rules, keeping the village clean, and attending your scheduled appointments.

During your stay at Ft. Pickett, we invite you to advantage of the community events and recreational activities and ask that you work with us to improve the community.

The best way forward, is together.

Orientation of Village / Block

We have: _____ Dining Facilities, _____ multipurpose tents, _____ Mosque, _____ Laundry Facilities. (2 day turn around), and _____ Soccer Fields.

We have: _____ Blocks/ Trailers, consisting of _____ residents.

Process Summary

The process will include: a resettlement interview, a biometrics appointment, a medical screening, and other administrative steps. Please know that you may not complete the process in the same order as some of the other guests. At your initial medical appointment, you will receive required vaccinations and complete a screening. Based on the screening, you may have follow-up appointments (such as for X-rays or other required vaccinations). If you have already received specific vaccinations, bring proof of this to the initial medical appointment.

For all of your appointments, we will notify the mayors of your building the day prior at the town hall meetings. Additionally, all appointment schedules will be hung on the Mosque, as well as any by name lists for specific appointments. Do not go to the locations prior to having an appointment. If you require transportation to your appointment, you will need to go to the village bus stop 1 Hour prior to your appointment time. If you miss your appointment, you will be called back the next day.

Once these steps are completed, resettlement agencies will match you with a follow-on location. Afterwards, a non-governmental organization will book your follow-on travel and you will have a departure brief to your resettlement destination within the United States.

Resources available in your living area

The provided pamphlet contains information on resources available within the village. Information includes: dining areas location and times, town hall meeting times, medical care, laundry, prayer tent location, clothes, baby formula and hygiene supplies, and the village rules.

Rules

Our Ft Pickett rules and more importantly, the laws of the United States apply to everyone.

Do's

1. **Do treat all people with dignity and respect**, no matter their tribe, origin, ethnicity, economic status, religion or social status. Any form of harassment, discrimination, intimidation, or hate crimes will not be tolerated. Domestic abuse and harassing others are prohibited.
2. **Do stay out of female only barracks, if you are a male.** Only females are allowed in female barracks. Respect their privacy.
3. **Do keep your children safe.** This is an active military base and "off limits" areas have been established for your safety and protection. Keep children under supervision and do not leave them alone. If your child is missing, inform the nearest Mayor Cell or Soldier. Personal accountability and safety of your children is a priority during this transition.
4. **Do walk on the sidewalks for your safety.** Ensure children are not playing in or near the roads, especially when it is dark.
5. **Do remain inside of your buildings during quiet hours.** Quiet hours are from 10:00pm to 6:00am. Please be courteous to others in maintaining these quiet hours.
6. **Do take one plate per person and only take what you plan to eat to ensure everyone gets food.** We recommend and encourage you and your family to eat in the dining facilities.
7. **Do put trash in trash cans or dumpsters.** Littering is not allowed. It can cause disease to spread.
8. **Do maintain the cleanliness and sanitation of your building, living area, and common areas.** Let us know what supplies you need to keep your area clean. Contact your mayor cell for assistance.
9. **Do listen to directions of all medical personnel. You must stay in quarantine area if told by medical personnel.** This is to prevent others from getting sick. Leaving quarantine early leads to a longer stay. All meals and water will be brought to you.
10. **Do report the possession of any weapons.** Weapons and other contraband are prohibited for your safety based on United States laws. If you find weapons or know someone who has weapons, tell the nearest Mayor Cell or Soldier immediately.
11. **Do report all emergencies and security concerns to your mayor cell or security patrols.**

Do Not's

1. **Do not hit anybody, including your wife and children. This is a very serious crime. You will be arrested.** This may delay or cancel your ability to stay in America. Treat everyone with dignity and respect.
2. **Do not sexually assault or harass people. This is a very serious crime. You will be arrested.** This may delay or cancel your ability to stay in America.
3. **Do not steal.** This is a very serious crime. You will be arrested. This may delay or cancel your ability to stay in America.
4. **Do not have anybody visit you or drop off items. Do not order items online or have packages mailed.** There is currently no post office on Fort Pickett. If this policy changes, it will be announced.
5. **Do not eat baby food. Baby food is only allowed for babies.** Adults are not allowed to eat baby food. We encourage you and your families to eat at the dining facilities.
6. **Do not throw anything except toilet paper in toilets.** Diapers, sanitary pads, baby wipes, paper towels, or trash will break them.
7. **Do not enter areas that are marked off limits.** They are marked by signs and/or orange fencing for your safety.
8. **Do not hoard supplies.** There are plenty of food and supplies for everyone. Only take enough for you and your family.
9. **Do not throw your linens away.** We will issue you two sets. You are responsible for doing laundry.
10. **Do not smoke, use hotplates, or have fires inside any building.** This is very dangerous and can cause a fire.
11. **Do not give money to contractors or volunteers to buy things for you and do not ask contractors for phone numbers.**
12. **Do not have alcohol or illegal drugs.** Only prescribed medications are allowed.
13. **Do not share prescribed medications.** Follow instructions from medical personnel regarding use.
14. **Do not possess any type of weapon and do not make weapons.** This could negatively impact your immigration process.
15. **Do not take photographs around toilets, showers, private areas (housing), or other buildings around this installation.**
16. **Do not enter tents or buildings you are not assigned to, unless invited.** Remember, only females are allowed in female housing areas.

Conclusion

As your Mayor, you have my word that my Marines and I will work 24/7 to make your stay here as comfortable as possible. We will listen to your concerns and will do what we can work to improve your situation and meet your needs. We are excited for you and your families to join our communities as our friends and neighbors in this great country.

Enclosure 8

U.S. Customs and Border Protection (CBP) Parole Form



AFGHAN PAROLE INFORMATION

Welcome to the United States. You have been processed by U.S. Customs and Border Protection (CBP) and paroled into the United States for two years for urgent humanitarian reasons, pursuant to 8 U.S.C. §1182(d)(5). Your parole into the United States is conditioned upon your compliance with the conditions outlined below.

Transport to U.S. Government-Run Location and Assistance at No Charge to You

You will be provided transportation to a government-run location where you will be provided housing at meals at no cost, receive required medical vaccinations and screenings, and given an opportunity to complete work authorization paperwork. You also will be enrolled in temporary medical insurance and receive medical care, if needed. **This processing will satisfy the medical requirements detailed below.**

Once these steps are complete, the U.S. government will arrange travel to your final destination in the United States. You will be given an opportunity to connect with non-governmental organizations that operate independently from the U.S. government and that may assist in your resettlement in the United States.

Medical Conditions of Parole

Within seven days of being granted parole, you are required to:

- get vaccinated for MMR, polio, and one dose of the COVID vaccine, absent proof of prior vaccination;
- undergo tuberculosis testing and take appropriate isolation and treatment measures if the tuberculosis test is positive; and
- report compliance with this requirement to U.S. Citizenship and Immigration Services (USCIS) at www.uscis.gov/vaccination-status.

If you do not go to the government-run locations where these services are provided, you will be responsible for arranging the vaccinations and testing on your own.

Other Conditions of Parole

- Consistent with 8 U.S.C. § 1302 *et seq.* and as a condition of your parole, you must provide every change in your address to USCIS as provided at www.uscis.gov/addresschange.
- You must notify USCIS of every change of address as soon as possible and no later than 30 days from each change of address.
- You must comply with all public health directives, comply with requests for additional information from the Department of Homeland Security and federal law enforcement, and comply with local, State and Federal laws and ordinances.
- You may also be subject to additional conditions of parole on a case-by-case basis.

Failure to Comply with Conditions of Parole

Failure to comply with these conditions can lead to termination of your parole, detention and removal from the United States, and could interfere with the ability to become a legal permanent resident and/or obtain other benefits and immigration relief to which you might otherwise be entitled.

Enclosure 9

(SBU/CUI) State Department Memo, 23 July 2021,
Request to Execute Drawdown of Articles and Services
from the Resources and Inventory of the Department of
Homeland Security Related to the Situation in Afghanistan



SENSITIVE BUT UNCLASSIFIED

MEMORANDUM FOR KIMBERLY O'CONNOR
EXECUTIVE SECRETARY
DEPARTMENT OF HOMELAND SECURITY

SUBJECT: (SBU) Request to Execute the Drawdown of Articles and Services from the Resources and Inventory of the Department of Homeland Security Related to the Situation in Afghanistan

(SBU) On July 23, 2021, in order to provide assistance for refugees, victims of conflict, and other persons at risk as a result of the situation in Afghanistan, including applicants for Special Immigrant Visas (SIVs), the President authorized the Department of State to notify Congress of the intent to exercise the authority under section 506(a)(2) of the Foreign Assistance Act of 1961 (FAA) to direct the drawdown of up to \$200,000,000 in articles and services from the inventory and resources of any agency of the U.S. government and military education and training from the Department of Defense (DoD) for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1962 (MRAA).

(SBU) On July 23, 2021, State notified Congress of the intent to exercise the drawdown authority of section 506(a)(2). Also on July 23, Deputy Secretary of State McKeon, pursuant to the authority delegated by the President and Department of State Delegation of Authority No. 513, made the necessary determination under section 506(a)(2) of the FAA and directed the drawdown of up to \$200,000,000 in articles and services from any agency of the U.S. government and military education and training from DoD for the purposes and under the authorities of the MRAA, in order to provide assistance for Afghan refugees, victims of conflict, and other persons at risk as a result of the situation in Afghanistan, including SIV applicants.

(SBU) In accordance with the July 23, 2021, determination by Deputy Secretary McKeon, State requests the Department of Homeland Security (DHS) execute the drawdown of up to \$67,000,000 of articles and services from its inventory and

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resources to provide support for refugees, victims of conflict, and other persons at risk as a result of the situation in Afghanistan, as requested by State through the contacts identified below, effective as of the date of this determination.

(SBU) The drawdown request applies, but is not limited, to DHS' operational and support components and directorates assisting individuals at risk (IARs) as a result of the situation in Afghanistan in receiving medical care and screening; providing for the safety and security of IARs; overall coordination of activities of interagency partners; managing logistic and supply chains, supplies, subsistence, and related information sharing; property management; coordination of donation efforts; and general administrative tasks for the processing and care of IARs. This support includes personnel and associated travel costs consistent with section 506(c) of the FAA, as well as supplies and other services from DHS' inventory and resources for continental United States safe haven locations where DHS would not otherwise have authority to provide this support.

(SBU) State strongly views that this support is necessary as an essential piece of the effort to save the lives of individuals at high risk of grave harm at the hands of the Taliban, including as a direct result of their assistance to and affiliation with the United States. Providing this assistance is in the best interest of the United States to demonstrate our commitment to continue to support these individuals at this perilous time for themselves and their families.

(U) The Department of State's Office of the Legal Adviser has cleared this request.

(U) The Department of State point of contact for this request is Eric Hembree, PRM Comptroller, [REDACTED]

(U) The Department of Homeland Security point of contact for this request is [REDACTED], Finance and Administration Section Chief, [REDACTED]
[REDACTED]


Kamala S. Lakhdhir
Executive Secretary

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1. Presidential Memorandum, Delegation of Authority, July 23, 2021
2. Memorandum of Justification
3. Determination, July 23, 2021

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THE WHITE HOUSE
WASHINGTON

July 23, 2021

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Delegation of Authority Under Section 506(a)(2)
of the Foreign Assistance Act of 1961.

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, subject to fulfilling the requirements of section 652 of the Foreign Assistance Act of 1961 (FAA), and in order to provide assistance for refugees, victims of conflict, and other persons at risk as a result of the situation in Afghanistan, including applicants for Special Immigrant Visas, I hereby delegate to the Secretary of State:

- (1) the authority under section 506(a)(2) of the FAA to direct the drawdown of up to \$200,000,000 in 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 for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1962;
- (2) the authority to make the determination under section 506(a)(2) of the FAA to direct such drawdown; and
- (3) the authority under section 652 of the FAA to make, before any such drawdown, the required notifications to the Congress.

You are authorized and directed to publish this memorandum in the Federal Register.

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MEMORANDUM OF JUSTIFICATION
UNDER SECTION 506(a)(2) OF THE FOREIGN ASSISTANCE ACT OF 1961
(FAA) FOR ASSISTANCE RELATED TO THE SITUATION IN
AFGHANISTAN

In order to enable critical assistance to support refugees, victims of conflict, and other persons at risk as a result of the situation in Afghanistan, including applicants for Special Immigrant Visas (SIV), the President has authorized the Department of State to notify Congress of the intent to exercise the authority of section 506(a)(2) of the FAA to direct a drawdown of up to \$200,000,000 of 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.

These resources will be used to provide urgently needed assistance, including, but not limited to, transport from Afghanistan and other support for SIV applicants outside of Afghanistan, including temporary living costs and medical services.

The Afghan Allies Protection Act of 2009, as amended by subsequent legislation, authorizes the issuance of Special Immigrant Visas (SIVs) to certain Afghan nationals who are or were employed in Afghanistan by or on behalf of the U.S. government or by a NATO mission in Afghanistan, as well as to their spouses and children. In view of deteriorating security and increased threats to SIV applicants, the President has made clear that the United States will offer the opportunity for certain SIV applicants to relocate outside of Afghanistan, where they may complete SIV processing in safety. This process will begin this month before the retrograde of U.S. forces is completed, which is expected by end of August.

This authority may be used to direct a drawdown of articles and services from agencies of the United States Government in support of such efforts for SIV applicants. The drawdown may also be used to provide assistance for other refugees, victims of conflict, and other persons at risk as a result of the situation in Afghanistan. For the reasons discussed above, it is in the national interest of the United States to draw down up to \$200,000,000 of 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.

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**Determination under Section 506(a)(2) of the Foreign Assistance Act of 1961
Related to the Situation in Afghanistan**

Pursuant to the authority vested in me by section 506(a)(2) of the Foreign Assistance Act of 1961 (FAA), Presidential Memorandum dated July 23, 2021, and Department of State Delegation of Authority No. 513, 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 any agency of the United States Government, and military education and training from the Department of Defense, in order to provide assistance to refugees, victims of conflict, and other persons at risk as a result of the situation in Afghanistan, including applicants for Special Immigrant Visas. I therefore direct the drawdown of up to \$200,000,000 of 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, for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1962 to provide such assistance.

This determination shall be reported to Congress and published in the *Federal Register*.

July 23, 2021
Date

Brian P. McKeon
Brian P. McKeon
Deputy Secretary of State for
Management and Resources

Enclosure 10

Summary of Authorities and Decisions on use of OHDACA
funds, 7 October 2021

1. **Purpose.** This document provides a list of DoD references pertaining to Department of Defense (DoD) reimbursable and non-reimbursable support to the Department of State (DOS) Afghan evacuation effort which began in July, 2021. This document also briefly addresses DoD's provision of reimbursable support to the Department of Homeland Security (DHS).

To facilitate application of the published DoD guidance and to share information among various DoD organizations supporting this effort, this document consolidates the substance of responses to various execution questions that have arisen during this effort. While the content of this document does not constitute final and fully coordinated DoD guidance, this document reflects the best information at this time to assist DoD execution. It references existing policy guidance and is provided to enable the timely and appropriate use of DoD authorities, Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funds, and other DoD resources. This document will be updated as new information becomes available; as necessary to clarify or correct any content; and to reference any new or amended DoD guidance documents. **Use of OHDACA is subject to the availability of funds. Provision of life-saving, health, and safety requirements is the priority.**

This document does not exempt any DoD organization from complying with applicable law, regulation, or policy. This document does not attempt to address any Geographic Combatant Command (CCMD), Military Department, or Defense Agency specific execution issue. As necessary, DoD organizations should consult their Command Legal Advisors and may seek further advice for any specific execution question from the OSD Policy's Office of Stability and Humanitarian Affairs at osd.pentagon.ousd-policy.list.hadr@mail.mil, or the DSCA Humanitarian Assistance and Demining Division, at [REDACTED]

2. **DoD Guidance References:**

- (a) Title 10, USC Section 2561, Humanitarian Assistance (HA)
- (b) DSCA Manual 5105.38-M, SAMM Ch. 12, <https://samm.dsca.mil/chapter/chapter-12>
- (c) DSCA Manual 5105.38-M, SAMM Ch. 11, Section 2, <https://samm.dsca.mil/chapter/chapter-11#C11.2>
- (d) DOD 7000.14-R, Financial Management Regulation, Volume 12, Chapter 23
- (e) Interagency Support Request (IASR) Template
- (f) OSDC Afghan SIV Cost Reporting Template
- (g) Designation of DHS as Lead Federal Agency, Aug 28, 2021
- (h) Presidential Drawdown Authorization, Jul 23 2021
- (i) DSCA Drawdown EXORD for CONUS Support, Jul 30 2021, Amendments #1 and #2
- (j) OSDC Cost Reporting Guidance, Aug 19 2021
- (k) SD Authorization to CENTCOM for support in Qatar and Kuwait, Jul 15, 2021
- (l) SD VOCO Approval for DoD support to DoS for NEO, Aug 16, 2021
- (m) SD VOCO Approval Afghan Support in Western Balkans, Aug 18, 2021
- (n) SD VOCO Approval Afghan Support in Germany, Aug 19 2021
- (o) SD VOCO Approval for Support in Bahrain and Other Locations, Aug 19 2021
- (p) DSD VOCO Approval for All GCCs to Provide Medical Support, Aug 22 2021
- (q) SD Authorization to USNORTHCOM for Support to DOS Through Provision of HA in the United States, 24 Aug 2021

- (r) DSD VOCO Approval for DoD Support to DHS at Hangars/Terminals at Dulles and Philadelphia Airports. Aug 27, 2021
- (s) SD VOCO Approval for Allocation of \$431M Reprogrammed OHDACA Funds, Aug 28, 2021
- (t) DSD Approval of \$10M OHDACA for DHS Support of CONUS Locations, Sep 2, 2021
- (u) DSD Authorization of OHDACA Funds to NORTHCOM, EUCOM, DHA, Sep 16, 2021
- (v) DSD Authorization of OHDACA Funds to NORTHCOM, EUCOM, CENTCOM, Sept 30, 2021

3. **Current Situation.**

- a. The DOS requested DoD support and the Secretary of Defense (SD) directed the use various authorities to provide temporary housing, sustainment, and support to Afghan SIV applicants, their families, and other individuals at risk both inside and outside the United States. Separately, DOS also requested DoD provide critical and urgent reimbursable support for a concurrent noncombatant evacuation operation (NEO) from Afghanistan.
- b. The Office of the Undersecretary of Defense for Policy (OSD Policy), Office for Stability and Humanitarian affairs (SHA), is OSD Policy's lead for all DoD humanitarian assistance policy. The Joint Staff provides Joint Force coordination as needed. The Defense Security Cooperation Agency (DSCA) provides oversight and exercises overall program management responsibility for all OHDACA funded activities.
- c. CCMDs, Services, and Service Component Commands must distinguish HA from non-HA requirements, based on guidance from SD authorization memoranda; reference b, and this document, and identify the source of funding to be used (O&M under PDA, DOS reimbursement or OHDACA). DOS relies on DoD to determine which DOS requests can be funded with OHDACA. In context, support to DOS may need to be divided into HA and non-HA support. For any non-HA requirements, the DoD component will need to meet the support request via drawdown or reimbursable support.
- d. SD and DSD authorizations (references (k) through (s)) have directed providing support under Presidential Drawdown Authority (PDA) to the maximum extent possible at OCONUS and CONUS locations. PDA should be used before expending OHDACA funds or seeking DOS reimbursement, if possible. Components must use PDA IAW the DSCA Drawdown EXORD (reference (i)) and report use of PDA resources IAW reference (c).
- e. Use of DoD Humanitarian Assistance authority (10 U.S.C. 2561) and associated OHDACA funding must meet a humanitarian requirement, validated by DOS, in accordance with the SD authorization memo.
 - i. DoD interprets "humanitarian assistance" activities as those that provide essential humanitarian services to directly relieve or reduce human suffering of civilian populations. Additionally, the primary purpose of DoD-provided humanitarian assistance is to alleviate human suffering and privation.
 - ii. DoD humanitarian assistance is for foreign populations in need and is not provided to U.S. citizens. OHDACA funding and humanitarian assistance is available for Afghan SIV applicants, Afghan evacuees, and other non-U.S. citizens at risk, in accordance with the specific SD authorization memo.
- f. DoD support at CONUS DoD installations (transportation, temporary housing, sustainment, and support, as well as medical assistance and immunizations) is in support of DOS. Support that

cannot be provided using PDA will be provided on a reimbursable basis in accordance with the Economy Act; or if those resources are insufficient, using legally available DoD authorities, including 10 USC 2561, subject to the availability of associated funds.

- g. DoD support at aerial ports of entries, e.g. Dulles (Expo Center) and the terminal at Philadelphia (Southport/Holt Warehouse) is in support of DOS, though DHS is in a coordination role through the Unified Command Group (UCG). This support is approved only on a reimbursable basis in accordance with the Economy Act.

4. “Lily Pad” and Safe Haven Locations

- a. CENTCOM: Qatar, Bahrain, UAE, Kuwait, Saudi Arabia
- b. EUCOM: Germany, Italy, Spain, Western Balkans, Kosovo
- c. NORTHCOM: Fort Lee, VA; Fort McCoy, WI; Fort Bliss, TX, Fort Pickett, VA; Quantico MCB, VA; Holloman AFB, NM; Joint Base MDL, NJ; Camp Atterbury, IN

5. Presidential Drawdown Authority (PDA) Requirements

- a. The DOS requested DoD assistance with PDA, 506(a)(2), of the Foreign Assistance Act, for migration and refugee assistance, to include Afghan SIV applicants and their families. Current PDA authorization is limited to \$75M for the DoD.
- b. The DoD supporting organization should first consider meeting DOS support requirements via PDA. Only when the DoD supporting organization determines use of PDA is not feasible, may they consider other means of providing support.
- c. To execute the PDA, DSCA must issue an Executive Order (EXORD) for the period of time that the drawdown is in effect and the amount authorized for execution. The EXORD is the operational requirement document for the Services, granting legal authority and direction for drawdowns to proceed. It contains all authorized deliveries up to the PDA amount and usually contains firm and specific requirements for materiel and services, breaking out how much funding each Military Department (MILDEP) provides and how funding may be used. It also contains requirements for monitoring and reporting. CCMDs and Components must identify PDA requirements and amounts to DSCA. Subsequent EXORDs may be issued as additional requirements are identified.
- d. EXORDs may not always authorize execution up to the total PDA value. As of 14 September 2021, a maximum of \$45M of the current PDA is available for DoD support to DOS for the Afghan evacuation per EXORD Amendment 2 (reference (i)).
- e. To initiate an EXORD that would expand execution authority up to the maximum PDA limit, CCMDs and Components must identify a specific list of intended PDA requirements (e.g., a list of supplies to be used from Service stock) and costs, and submit those to DSCA as soon as possible after they are identified. DSCA will review the list and develop additional EXORDs or amendments expanding PDA to the appropriate Service or DoD agency. Subsequent EXORDs may be issued as additional requirements are identified or as the maximum authorized execution limit is reached.
- f. Any use of PDA must be tracked and reported to DSCA via the DSCA 1000 system. The cost of PDA support must be tracked and reported to DSCA and fall within the Military Department’s authorized limits under the DSCA Drawdown Execution Message, as Amended.

- g. PDA allows DoD to enter new contracts for transport if commercial transportation is less expensive than use of DoD transport. For all other support, DoD is limited to consuming existing DoD stocks (food, medicine, or other consumable supplies) or providing a service with DoD personnel (for example, O&M funded TDY expenses for DoD medical personnel needed to support the sites hosting Afghan evacuees). Such stocks and personnel must have been available on the date the drawdown was approved (July 23, 2021).
- h. The consumption of existing DoD stocks must be tracked as PDA expense by the supporting Military Department and will not be reimbursed with OHDACA funds. In regards to any DoD medical stocks consumed while providing humanitarian support to Afghans at risk in the U.S., the cost of the consumed DoD stock shall be pursuant to the authorized PDA. PDA requirements may include medical support to the extent available for existing stocks and services without new contracts.
- i. The drawdown ends when DoD drawdown support is no longer needed by DOS or DoD exhausts the \$75M of authorized support.
- j. Services that provide support under PDA will not receive funding reimbursement.

6. Humanitarian Assistance Requirements

- a. Prior to using OHDACA to support a validated HA requirement, Services and Service Components must use PDA to the maximum extent possible. The Service, CCMD and Service component must validate and prioritize use of any OHDACA expenses within the amounts allocated.
- b. Activities for authorized humanitarian assistance support to DOS will be in response to DOS-identified humanitarian requirements. DOS validated HA requirements should be routed to the CCMD or Service which has been allocated OHDACA funding and which has the responsibility for oversight of the execution of those funds.
- c. Examples of permissible humanitarian assistance activities that can be supported with OHDACA funding include:
 - (a) provision and/or construction of temporary shelters (e.g., prefabricated structures or tents), including site preparation construction activities. (must not be military construction)
 - (b) provision or construction of temporary health facilities. (must not be military construction)
 - (c) provision of medical supplies (kits, personal protective equipment, syringes, etc.).
 - (d) provision of medicines and immunizations.
 - (e) provision of medical equipment (including diagnostics and testing).
 - (f) provision of kitchen supplies.
 - (g) provision of winterized clothing, blankets, and beds.
 - (h) provision of small to medium-sized generators.
 - (i) provision of potable water (including trucks and water purification systems).
 - (j) provision of hygiene facilities/latrines.
 - (k) provision of ambulances/fire response vehicles.
 - (l) laying gravel in and around a temporary housing camp for health purposes.
 - (m) provision of food (DoD provision of food is typically limited to urgent requirements; DOS/Population, Refugees, and Migration (PRM) and USAID, World Food Program should usually meet long-term requirements to extent possible).

- d. The following activities could not be provided as OHDACA funded support, but DoD may be able to provide such support pursuant to drawdown authority or as reimbursable support:
 - (a) Provision of non-humanitarian goods and services.
 - (b) Any support to administration or enforcement of immigration laws, regardless of location, such as: providing equipment for the processing of SIVs, their families, and other Afghan individuals at risk; or construction or furnishing of migrant/refugee processing centers/facilities.
 - (c) Provision of supplies or equipment that will remain with partner security forces (including tents, generators, food, medical facilities. etc.).
 - (d) Support to camp law enforcement, detention, or security functions.
 - (e) Military construction.
 - (f) Provision of vocational education.
 - (g) Support to religious, social, or recreational activities.

7. **Reimbursable Requirements.**

- a. The DoD organization providing reimbursable support to DOS (other than NEO support) or DHS must conclude an interagency support agreement prior to providing support. All reimbursable support will be documented under interagency agreement, 7600. If urgent circumstances required support before a formalized support agreement could be concluded, the DoD organization must obtain a written interagency support agreement to document the reimbursable support pursuant to the Economy Act as soon as possible after provision of support.
- b. DOS reimbursable support includes non-humanitarian support provided to Afghans or other foreign individuals at risk inside or outside the U.S. (such costs legally cannot be funded with OHDACA funds).

8. **NEO Requirements**

- a. NEO Costs are shared between DOS and DoD in accordance with the 1998 MOA in two broad categories. DOS generally pays Evacuation (e.g., air transportation) and DoD generally pays Protection (e.g., security).
 - i) DoD is responsible for security/protection costs (these are non-OHDACA-funded).
 - ii) DOS is responsible for the cost of air transportation flights that included NEO authorized passengers in accordance with the 1998 NEO Memorandum of Agreement (MOA); and the cost of medical care or other support provided to persons at HKIA or persons evacuated pursuant to the NEO. DOS is also responsible for the cost of care/life support while evacuees are in transit. On a reimbursable basis DoD could contract for such transportation and receive DOS reimbursement using the Economy Act.
 - iii) U.S. military airlift flown into HKIA with protection forces are funded by the DoD and the return trip can be considered a “no cost reimbursable” under the MOA. Any aircraft flown to HKIA without protection forces (i.e., empty or with other humanitarian supplies) should be DOS responsibility.
 - iv) Individuals evacuated by NEO are determined by the U.S. Chief of Mission in Afghanistan, and include a broad range of categories. Any military airlift or DoD-contracted airlift departing HKIA with American Citizens, Embassy personnel, or third-country nationals mixed with Afghan evacuees should be characterized as a NEO flight that requires DOS reimbursement.

- v) Any military airlift or DoD-contracted airlift for NEO evacuees from a lily pad to a long term housing area or to the U.S. is considered NEO and should be reimbursed by DOS.

9. Financial Documentation & Reporting.

- a. OSD Comptroller has provided a weekly resource reporting worksheet. CCMDs and/or Services will submit this report to OSDC and DSCA each Wednesday until support activities are completed.
- b. Services and DHA are required to submit expenditure reports of all actual costs incurred, including OHDACA, PDA, and other Direct Costs (for both HA and non-HA requirements).
- c. In addition, IAW the FMR Volume 12, Chapter 23, Services and DHA will submit daily reports on the expenditure of OHDACA funds to OSDC, SHA, and DSCA.
- d. CCMDs must establish internal verification with components to ensure that OHDACA funds are being executed for HA purposes, in response to specific DOS requests.
- e. To facilitate PDA reports required by law, and in accordance with the corresponding EXORDS, MILDEPS must track and report to DSCA the total estimated and actual value of the PDA goods or services delivered, under FAA, Section 506(a)(2) [22 U.S.C. 2318(a)(2)] Authority, in accordance with references (c), (h), and (i). PDA reporting is completed within the DSCA 1000 system.
- f. NEO expenses are reported to DOS under the 1998 MOA.

10. Disposition of OHDACA-funded Equipment/Supplies

- a. As a DoD support location (lily pad or CONUS location) shuts down support operations, DoD components may not absorb OHDACA-funded equipment or supplies into DoD stock. As a matter of law, DoD may only use OHDACA funds for provision of humanitarian assistance.
- b. At the conclusion of the DoD HA effort to support Afghans at a lily pad location, the CCMD must determine if there is a humanitarian purpose for the equipment/supplies before declaring the items as excess. Therefore, the CCMD should pursue the following disposition options for OHDACA-funded equipment and supplies:
 - i) Nominate an HA equipping (steady state) project in OHASIS to transfer the equipment/supplies to a Partner Nation government in the AOR for a humanitarian purpose.
 - (1) The value of the HA project proposal should consist of the cost of the OHDACA-funded procurement for the transferred equipment/supplies as well as any transportation costs.
 - (2) An inventory of the OHDACA-funded equipment/supplies to be transferred will be uploaded to the project, and the project details must indicate that the equipment has already been procured using OHDACA funding (specific instructions on including this information will be provided in OHASIS).
 - (3) The proposed HA project must comply with all SAMM Chapter 12 guidance.
 - (4) If OHDACA-funded supplies have a limited shelf life, utilizing the supplies to execute an HA project near where the supplies are currently located is probably the most cost efficient way to use the supplies.

- ii) Send the ODACA-funded equipment/supplies to a different Lily Pad location within the CCMD or in another CCMD, if the other receiving Lily Pad location has a verified need. OHDACA funds can be used to pay for the transportation of the supplies to facilitate the use of such supplies for a humanitarian purpose. The cost of transportation should not exceed the value of the equipment/supplies.
- iii) If neither of the first two options are feasible, the CCMD should send a complete inventory of excess equipment/supplies to the DSCA/EP Manager for review by e-mailing Mr. Ismael Lopez at Ismael.r.lopez2.civ@mail.mil. In return, the CCMD will receive specific disposition instructions from the EP Manager as follows:
 - (1) Items that are deemed appropriate by the EP Manager for utilization in the DoD HA Program should be transported to an EP Warehouse. CCMD will likely be directed to use OHDACA funds provided for Afghan support operations to pay for transportation of supplies to an EP warehouse location specified by the EP Manager. The OHDACA funded supplies will be stored at an EP warehouse until such supplies are needed to support a future HA project.
 - (2) Items that are not appropriate or required by the EP Manager should be turned in to DLA Disposition Services (DLA-DS) as excess property which has been Found on Base (FOB) or Found on Station (FOS). Transportation instructions will be provided by DLA-DS.

11. Additional Information by Topic (Alphabetically)

- 1) Access to Services and Gender Considerations:
 - i. When providing humanitarian services, DoD components should consider the different roles and needs of men, women, girls, boys, and gender minorities. OHDACA funding activities will ensure access to humanitarian assistance provides women and girls with safe and equal access to all provided humanitarian services, including education; health services; shelter, water, and sanitation services.
- 2) Air Transportation
 - ii. Per the 1998 MOA between DoD and DOS, DOS pays the cost of air transportation to include associated costs with luggage screening and transportation. All airlift flights in support of Afghan evacuation are considered NEO flights and will not be funded with OHDACA.
- 3) Biometrics & Intelligence
 - i. OHDACA may not be used for taking biometrics, or providing biographics, which are not generally humanitarian requirements but are immigration requirements.
 - ii. OHDACA may not be used for travel and support of biometric teams.
- 4) Bottled Water Procurement
 - i. Purchase of bottled water with OHDACA funds to meet a DOS-requested humanitarian need for foreign individuals is allowed.
- 5) Construction
 - i. OHDACA funds may not be used for military construction, but OHDACA funds may be used for humanitarian construction, in accordance with SAMM Chapter 12 and the specific SD authorization for CCMD's support to Afghan SIV and other individuals at risk. Humanitarian construction must not provide a benefit to military forces.
 - ii. Before conducting humanitarian construction on a military installation, the military department concerned will first provide DOS a permit authorizing DOS to use the area identified. Any construction activities must be undertaken on the area provided to DOS

and may only be undertaken to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other foreign individuals at risk.

6) Education Support

- i. As a matter of DoD policy, DoD support locations may not use OHDACA funds to establish formal education programs to meet the compulsory primary/secondary education requirements for any supported Afghan children. DoD has limited OHDACA funds which need to be prioritized to provide shelter, food, and medical care. DoD lacks sufficient OHDACA funds to resource the cost of establishing a formal education program.
- ii. DoD also lacks the institutional expertise to determine education requirements and establish formal education. DoD support locations should refer any request to establish formal education requirements directly to DOS. DOS and other interagency partners, in collaboration with non-governmental organizations and local and state officials can determine if anticipated duration of the ongoing support effort warrants devising a plan for formal education.
- iii. While providing formal primary/secondary school education services to Afghan school age children falls outside of DoD's existing support responsibilities, DoD organizations may support DOS requests for informal education support. For example, using OHDACA funds to establish a space for instruction and purchasing a reasonable amount of school supplies to enable volunteers to provide informal education services to school age children is permissible. OHDACA funds may not be used to hire school teachers or to develop school curriculum.
- iv. OHDACA funds may also not be used for formal or informal adult education or vocational training.

7) English Language Courses

- i. OHDACA funds should not be considered for provision of English language introductions and educational services or materials, with the exception of school aged children, in guidelines noted above. DoD Components should seek DOS assistance for partnering with non-profits to assist with English as a Second Language introductory materials for all adult Afghan guests.

8) Ground Transportation

- i. Ground transportation for humanitarian assistance purposes may be funded with OHDACA only if specifically authorized in the applicable CCMD's SD or DSD authorization; and only if it is needed for Afghans to obtain humanitarian services (e.g., travel b/w shelter, dining facilities, medical care or other humanitarian functions).
- ii. OHDACA funds cannot be used to provide transportation that is solely for recreational or religious activities to Afghans.

9) Leased Tents, Pre-Fabricated Buildings, or other Leased Space

- i. OHDACA funds may be used to lease property as long as the primary use of such space is to facilitate DoD's efforts to provide essential humanitarian service to supported Afghans. OHDACA funds may not be used to establish useable space for a function that does not constitute humanitarian assistance.
- ii. Mixed Facility Usage - If the primary use of OHDACA funded leased property is to provide humanitarian assistance then other non-humanitarian space-available uses of the same property for other purposes (recreation, religious services, or social events) would not pose a concern as long as: (1) The secondary use of the space does not impair the humanitarian function for which the space was acquired; and (2) the secondary use of the space does not result in any increased OHDACA expense. For example, a support

location may expend OHDACA funds to lease a tent for use to hold town hall meetings to provide information to supported Afghans on camp administration / policies to facilitate DoD's provision of shelter, food, and medical care.

10) Linguists/Interpreters/Translators

- i. The Department of Defense (DoD) is currently providing a significant number of interpreters to support the needs of vulnerable Afghans and is working to resource further emerging requirements. Options for sourcing validated interpreter requirements include military, contract, and volunteer interpreters on a reimbursable and non-reimbursable basis.
- ii. Interpreters may be needed to support both humanitarian and non-humanitarian functions associated with the evacuation of vulnerable Afghans.
 - a. Humanitarian functions: OHDACA-funded Interpreters may be utilized to support the effective and efficient delivery of humanitarian assistance. Examples include shelter, food, hygiene, safety, protection; gender concerns and feedback; as well as medical care, when such medical care is not provided solely for the purpose of immigration processing. Interpreters for immunization is acceptable since this is for public health. Use of OHDACA-funded interpreters is permissible to ensure clear communication between service providers, camp managers, and the population being served. OHDACA-funded Interpreters may be required to ensure services meet the humanitarian needs of vulnerable Afghans and to receive feedback that enable humanitarian assistance planners. Once validated by either the Department of State (DOS) or the Department of Homeland Security (DHS), DoD may consider providing interpreters need to facilitate humanitarian functions via Presidential drawdown, which, per the SD's guidance, should be used to the maximum extent possible; DoD's humanitarian authorities and funding, e.g., Overseas Humanitarian, Disaster, and Civic Aid (OHDACA); or on a reimbursable basis per a specific interagency support agreement from DOS.
 - b. Non-humanitarian functions: Interpreters may be leveraged to support immigration processing and related security screenings, religious services, law enforcement, and other camp management responsibilities, including camp protection. Once validated by either the Department of State (DOS) or the Department of Homeland Security (DHS), DoD may consider providing these non-humanitarian services via Presidential drawdown, which, per the SD's guidance, should be used to the maximum extent possible; or on a reimbursable basis.
- iii. Each DoD organization supporting DOS and/or DHS is responsible for evaluating the nature of each validated DOS and/or DHS request for assistance (RFA) and for determining whether activities performed pursuant to the RFA is humanitarian or non-humanitarian assistance.
- iv. Before any DoD organization provides any reimbursable support, the supporting DoD organization should accomplish a written interagency support agreement with DOS and/or DHS to verify that reimbursement will be provided and as outlined in the DoD Financial Management Regulations.
- v. The following chart provides additional information on the types of interpreter expenses that OHDACA can be used for.

Types of expenses appropriate for OHDACA funds:			
	Pay/salary	Honoraria	TDY
Military interpreter	No	N/A	Yes, if performing a humanitarian function
Contract interpreter	May pay for contract cost, if performing a humanitarian function	N/A	May pay for the contract cost, if performing a humanitarian function
Volunteer interpreters	N/A	No	No

11) Medical Services

- i. OHDACA can be used to pay for medical services for Afghan and other foreign individuals in need of humanitarian assistance, as requested by DOS.
- ii. OHDACA funds can assist with public health of Afghan SIV or individuals at risk, including vaccines and immunizations. See Joint Staff GENADMIN guidance, 27 August 2021.
- iii. Medical Support provided solely for immigration processing (not necessary for basic medical care) may not be OHDACA funded.
- iv. OHDACA should not be used to pay for basic “fit to fly” medical screenings required exclusively for immigrant processing,
- v. OHDACA can be used to provide health care services recommended by CDC for public health.
- vi. Funding options for various health related requirements:

Category of Persons	On-Base Medical Care	Off-Base Contract Medical	Medical services needed solely for immigration support
Afghan	OHDACA DOS Reimbursement PDA	OHDACA DOS Reimbursement	DOS Reimbursement
U.S. Citizen	DOS Reimbursement	DOS Reimbursement	DOS Reimbursement
Other Foreign Nationals transported via NEO	DOS Reimbursement PDA	DOS Reimbursement	DOS Reimbursement

12) Military Students attending courses outside Afghanistan

- i. DOS may invite former Afghan security force members who were attending DoD courses outside Afghanistan at the time of the Afghan evacuation to join the population of Afghans who have been evacuated. If the Afghan student chooses to accept, there are two ways to provide transportation to a Lily pad location:
 - a. Use Existing Training Contract whose scope includes Contractor Provided Transportation -- As part of the orderly shutdown of an ongoing Afghan Security Force Fund (ASFF) contract effort, DoD can modify the existing contract to revise

the location the student needs to travel to from the training location as long as the modification does not require adding additional ASFF to the contract. After student's arrival at the lily pad, any further support to the student cannot be ASFF funded.

- b. If the above option is not feasible, or if DoD uses DoD aircraft to transport, then transportation cannot be ASFF funded. Transportation outside the ASFF funded training contract would need to be via the execution of the DoD support effort to Afghans at risk. DoD should consider transportation using PDA or as reimbursable support to DOS. As a last resort, OHDACA funds may be considered.

13) Mortuary Affairs

- i. DoD may provide mortuary affairs services under PDA.
- ii. OHDACA funds may not be used to support mortuary affairs services, however, if DoD is providing medical treatment to a patient, cold storage of remains may be funded by OHDACA if the patient passes

14) Non-Governmental Organization (NGO) Support

- i. DOS request for DoD to provide NGO Access: If State requests DoD to allow NGO space and access to Afghans at risk to enable NGO direct donations of supplies to Afghans, the NGO would be responsible to distribute and remove NGO property upon departure. Installation oversight should be limited to prohibiting distribution of items that pose a safety hazard or otherwise impede base operations.
- ii. DOS request for DoD to Distribute NGO supplies given to State: If State requests DoD to distribute NGO items donated to the U.S. Government, to supported Afghans at risk, then DoD will need to develop criteria regarding the nature of supplies that DoD is willing and able to distribute. The type of supplies to be distributed would depend to some extent on whether support is via drawdown or OHDACA funded. At the end of the effort, any accepted qualified items that require disposal should follow DLA guidance for disposal.
 - (1) If DoD distribution support is provided via drawdown, DoD should accept and distribute any privately donated supplies that State wants distributed. However, DoD should decline to provide support for the distribution of supplies which pose any safety or other concerns.
 - (2) If DoD distribution support is provided with OHDACA funds, support may include hiring a contractor to accept and distribute privately donated humanitarian supplies. A DoD employee must determine what types of supplies may be accepted and who the assistance is provided to. Only supplies which qualify as humanitarian assistance may be accepted and distributed.
- c. OHDACA funds may not be used to provide meals to NGO personnel.
- d. OHDACA-funded support for custodial services of a DoD facility office space used by NGO personnel may be allowed if: (1) DoS requested DoD custodian support of the facility; and (2) State is using the office space to provide humanitarian services to Afghans at risk.

15) Pay and Allowances for Activated Reserve/National Guard Personnel FY2022

- i. In accordance with DoD policy and the Security Assistance Management Manual, Chapter 12, OHDACA funds are not used to fund base pay of military personnel, including salaries for an activated reservist or national guard member.
- ii. Pursuant to Deputy Secretary of Defense's September 30, 2021 memorandum, to "avoid program-wide execution impacts on the entire DoD humanitarian assistance program, Military Departments activating Reserve and National Guard personnel in support of authorized humanitarian assistance activities *must seek approval from the Under Secretary of Defense for Policy, in coordination with the Under Secretary of Defense (Comptroller), before using OHDACA funds for such expenses*" for humanitarian assistance activities.

Any resulting DoD Department-wide budget policy decision would direct that all such expenses be charged either against the OHDACA appropriation or the appropriate Military Personnel (MILPERS) appropriation account for FY 2022. Such an approach would comport with the well-established principle of federal appropriations law that, when two appropriations are equally available, as a matter of law, for a particular expense, the agency ordinarily must elect which appropriation to use in covering that expense, and then abide by that election unless and until the agency changes its election prospectively as part of the budgeting process.

- iii. Drawdown can be used, in accordance with Drawdown EXORD, as a means to activate reserve or national guard members to support this effort. If so, the amount of pay and allowances for the activated members must be reported towards the value of drawdown support.

16) Recreation

- i. Since OHDACA funds may not be used to support recreation, DoD support for recreation must be reimbursable support to State or pursuant to PDA. A drawdown would not allow DoD to contract for recreational support. A DoD organization may use drawdown authority to allow Afghans to use DoD-owned recreational fields and equipment that existed when the drawdown was approved.
- ii. An OHDACA-funded structure provided primarily for humanitarian purposes, such as dining or administration of camps, may be used on a space-available basis for recreation activities (see Use of Leased Tent, Pre-Fabricated Buildings, or other Leased Space).
- iii. OHDACA funds cannot be used to provide electronic devices for recreation or for individual recreational supplies/equipment, such as sports equipment, uniforms, or athletic footwear.

17) Religious Support

- i. OHDACA funds may not be used for religious support or to purchase religious supplies. DoD is able to provide religious support via drawdown. A drawdown would not allow DoD to contract for religious support. A drawdown can enable a Service to pay TDY costs for a DoD chaplain to provide support to Afghans.
- ii. An OHDACA-funded structure provided for humanitarian purposes, such as dining or humanitarian administration of camps, may a secondary, such use as a religious facility on a space available basis.
- iii. If DOS seeks DoD support to allow NGOs access to distribute religious materials, DoD may allow NGOs to distribute religious materials such as Korans or prayer rugs.

18) Restoration and Reconstitution of DoD Facilities and DoD Equipment

- i. CCMDs and Services may not use OHDACA funds for expenses related to restoring facilities that were used at a DoD Afghan support location or for replenishing consumed DoD stock (such as mattresses) until after all DoD support to Afghans at any DoD support location has been completed, and after verification that such support is not already accounted for via Presidential drawdown authority.
- ii. DoD components should not depend on reimbursement using OHDACA, and should seek to use of Presidential drawdown authority. Use of OHDACA funds to support active DoD Afghan support locations takes priority over use of OHDACA funds for costs associated with former DoD support locations.

19) Security

- i. OHDACA funds may not be used to support policing or law enforcement activities.
- ii. OHDACA funds may not be used for provision of US or contracted security services, even if those costs are later reimbursed.
- iii. OHDACA may not be used for costs of travel, per diem, lodging for security details.

20) Temporary Shelters

- i. For temporary shelter and living conditions standards, Components should apply SPHERE Humanitarian Charter Minimum Standards in Humanitarian Response to living and communal areas for Afghan evacuees, subject to operational constraints.

21) TDY costs

- i. TDY costs for non-humanitarian assistance can be included when computing the value of drawdown services or as Reimbursable support.
- ii. TDY costs for humanitarian assistance can be funded with OHDACA, via the PDA, or as Reimbursable support.

22) Transportation of Private Donations

- i. The Denton Space-Available Transportation Program does not provide authority for transport of privately donated humanitarian supplies to a U.S. destination.
- ii. OHDACA-funded HA Transport: If DOS requests the USG to accept privately donated goods to support Afghans at risk and also has requested that DoD support the transport of such items to an OCONUS lily pad location, OHDACA funds can be used to provide the State-requested transportation support of USG cargo IAW SecDef authorization memos to the CCMD. The CCMD would use OHDACA funds provided for support to Afghans at risk to fund the transport. The nature of the cargo must qualify as humanitarian assistance. Should a CONUS safe haven have excess supplies, OHDACA funds may be used for ground transport to another safe haven for humanitarian needs, if validated by DOS as a humanitarian need in another CONUS safe haven location.
- iii. DoD O&M funded Humanitarian Space Available Transportation (Denton) support for Privately Owned Cargo to an OCONUS location, If there is no request from State: While DoDI 4515.13 allows CCMDs to authorize the use of assigned aircraft for space available humanitarian Denton cargo, this does not eliminate the need for DSCA to concurrently approve the proposed Denton shipment. Both approvals are needed: DSCA approves Denton support. GCC approves use of aircraft to move Denton cargo (10 USC 402).
 - (1) The private entity must submit a Denton request via the HATP website (<https://hatransportation.ohasis.org/Login.aspx>), the nature of the cargo must comply with Denton requirements, and Denton cargo destination must be a foreign country.
 - (2) The HATP Manager will assist the Donor with their application and DSCA is committed to processing and approving applications as quickly as possible.
 - (3) Once DSCA has approved the Denton cargo application on the HA Transportation website, the CCMD has authority to move the cargo with mil-air on a space available basis to another OCONUS location. The CCMD may not use OHDACA funds to pay for transportation.

23) Unaccompanied Minors (UM)

- i. Some transient locations will receive and need to accommodate unaccompanied minors (UM) traveling without an appropriate adult guardian.

24) WIFI

- i. The authority to use OHDACA funds for WIFI depends on the primary purpose for provision of the WIFI access. OHDACA funds cannot be used to pay for WIFI for the primary purpose of providing recreational, religious, or social activities to supported Afghans. OHDACA funds may be used for WIFI if providing the WIFI is necessary to support DoD's effort to provide an essential human service. For example, if a support location is using smart ID cards/bracelets and scanners that require Internet access to help administer in-processing/our-processing, distribution of food, provision of medical care, and accountability of lost children, then use of OHDACA funds for WiFi which is necessary to DoD's provision of these essential humanitarian services is

appropriate. Additionally, OHDACA-funded WiFi may be justified to support a DoS-requested effort to provide informal basic education services to children at a camp.

- ii. Similar to discussion of mixed use facilities, secondary (i.e., non-humanitarian) uses of OHDACA-funded WiFi is allowed if the secondary use does not impair the primary purpose of the WiFi and does not increase the cost of the WiFi.

25) Winter Clothing and Bedding

- i. DoD is encouraged to consult with Interagency partners regarding their support for winter clothing before expending OHDACA funds.
- ii. OHDACA funds may be used for the procurement of winter clothing, jackets, bedding, etc.

Enclosure 11

Secretary of Defense Memo, 7 February 2022, Continued
Support to the Department of States in the Form of
Humanitarian Assistance for Evacuees from Afghanistan

ACTION MEMO

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Colin H. Kahl, Under Secretary of Defense (Policy) *CK*

7 FEB 2022

SUBJECT: Continued Support to the Department of State in the Form of Humanitarian Assistance for Evacuees from Afghanistan

- **Purpose.** Request your signature on the attached memoranda that direct:
 - Commander, U.S. Northern Command (USNORTHCOM), consistent with previous authorizations, to provide relevant humanitarian assistance in the form of temporary shelter, transportation, necessary medical care, supplies, and services in support of the Department of State (DOS)-validated requirements for evacuees from Afghanistan at the National Conference Center (NCC) in Leesburg, Virginia beginning February 21, 2022, through September 30, 2022 (TAB A); and
 - Commander, U.S. Central Command (USCENTCOM), to (1) transition to DOS responsibility for, and cease providing, medical staff and equipment to support medical screening and administration of immunizations in Qatar related to potential entry into the United States effective February 15, 2022, and (2) continue to obtain vaccines and provide other necessary medical care through September 30, 2022, as part of already authorized medical care for evacuees from Afghanistan (TAB B).
- **Background.**
 - On July 18, August 24, September 16, September 20, October 13, December 3, 2021, and December 23, 2021, the Secretary of Defense and/or you authorized the provision of humanitarian assistance in the form of temporary shelter, transportation, necessary medical care, supplies, and services to support Department of State (DOS)-validated requirements for Afghan Special Immigrant Visa principal applicants, accompanying family members, and other individuals at risk within the United States through March 15, 2022.
 - Policy has coordinated with the National Security Council (NSC) staff and other departments and agencies to transition domestic Afghan evacuee support now provided on domestic DoD military installations to the NCC. On January 31, 2022, the NSC Deputies Small Group (DSG) for Afghanistan Relocations endorsed the transition from domestic military installations to the NCC.
 - On August 22, 2021, you authorized the provision of necessary medical services and assistance in support of DOS-identified and prioritized requirements (TAB C). On September 21, 2021, the Secretary authorized USCENTCOM to provide continued humanitarian assistance in support of DOS in Qatar (TAB D).

SD CA		DSD SA	
SD SMA		DSD SMA	
SD MA		DSD MA	
CoS		DSD CA	
SD Action Grp		DSD CoS	
ES	<i>CKH 2/7</i>	ESB Rvw	<i>DM 2/7</i>
ESR	<i>CKH 2/7</i>	ESD	

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- At the DSG meeting on November 9, 2021, Deputies agreed that DoD would specifically provide necessary medical care and immunizations in support of DOS medical screening of Afghan evacuees at Camp As Sayliyah (CAS), Qatar. During a follow-on DSG meeting on December 16, 2021, Deputies agreed that DoD, beginning in January 2022, will conduct necessary medical examinations of Afghan evacuees in Qatar until the DOS contract with the International Organization for Migration (IOM) begins on February 15, 2022.
- At the IPC on Afghan Resettlement: Overseas Processing on January 20, 2022, DOS agreed to take responsibility for any necessary medical care for evacuees in Qatar that exceeds the capabilities of DoD or requires services off of CAS, and for coordinating and executing any aeromedical evacuation of evacuees.

▪ **Discussion.**

- Consistent with previous authorizations, the memorandum at TAB A directs Commander, USNORTHCOM,
 - To provide humanitarian assistance in the form of temporary shelter, transportation, necessary medical care, supplies, and other services. Humanitarian assistance activities must be consistent with Section 2561 and DoD implementing guidance. Support provided pursuant to Section 2561 is subject to the availability of OHDACA funds.
 - Commander, USNORTHCOM, will use an existing General Services Administration (GSA) contract or any other appropriate contract vehicle to secure the use of facilities at NCC for the housing of evacuees. DoD does not have the requisite authority to acquire a lease for these purposes.
 - DoD-provided resident services may include resident support personnel to serve as a resource for individual needs, assisting with managing crises and reporting of emergencies or serious illnesses, working with the facility owner to ensure physical access to areas where evacuees are located is limited to authorized personnel, and ensuring appropriate gender separation. Resident services will not include law enforcement, detention, or security functions, and support staff may not be armed or used to detain individuals.
 - To begin transitioning such support for DOS-validated requirements within the United States to the NCC no later than February 21, 2022, and to continue providing such support at the NCC through September 30, 2022, or until there are no further requirements, whichever comes first.
 - Accordingly, USNORTHCOM should develop and implement plans, in consultation with the Joint Staff and the Office of the Under Secretary of Defense

for Policy, to provide personnel and operational contract support to obtain and oversee the use of DoD-procured supplies and services to support up to 1,300 Afghan evacuees at the NCC, reaching operating capacity no later than February 28, 2022.

- USNORTHCOM will execute support to DOS principally through contract support while ensuring an appropriate DoD presence to provide oversight of contract services and resources and to conduct necessary coordination with on-site representatives from other departments and agencies.
- The memorandum at TAB B communicates prioritized guidance to Commander, USCENTCOM to provide medical staff and equipment to support DOS by offering necessary entry-related medical exams and immunizations to evacuees in Qatar through February 15, 2022, and to continue to obtain necessary vaccines (for IOM administration) and provide other than entry-related necessary medical care through September 30, 2022.
- Consistent with existing approval of support, all of the above activities will be undertaken using resources made available under the Presidential Drawdown Authority to the maximum extent possible. Humanitarian assistance that cannot be provided using such resources will be provided using available DoD authorities (e.g., under Section 2561 of Title 10, U.S. Code, with associated OHDACA funds). Support that is not humanitarian assistance and not provided under Presidential Drawdown Authority will be provided on a fully reimbursable basis in accordance with Section 1535 of Title 31, U.S. Code (the Economy Act) or other relevant authority upon establishing necessary support agreements with the supported Federal department or agency.

RECOMMENDATION: Sign the memoranda at TABs A and B.

Attachment(s):

TAB A: Memorandum to Commander, USNORTHCOM

TAB B: Memorandum to Commander, USCENTCOM

TAB C: DepSecDef Memo, "Authorization to Support the Department of State's Provision of Medical Services to Afghans and Other Individuals at Risk," dated August 24, 2021.

TAB D: SecDef Memo, "Authorization to Provide Support to the Department of State for Afghan SIV Principal Applicants, Their Family Members, and Other Individuals at Risk in the USCENTCOM AOR," dated September 21, 2021

TAB E: Coordination Sheet

TAB A



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

Operation Allies Welcome, After Action Report

FEB 07 2022

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Continuation of Authorization to Provide Support to the Department of State in the Form of Humanitarian Assistance for Evacuees from Afghanistan

Consistent with the attached authorizations of July 16, August 24, September 16, September 30, October 13, December 3, and December 23, 2021, Commander, U.S. Northern Command (USNORTHCOM), is directed to provide humanitarian assistance in the form of temporary shelter (as provided below), transportation, necessary medical care, supplies, and services in support of Department of State (DOS)-validated requirements for Afghan Special Immigrant Visa principal applicants, accompanying family members, and other individuals at risk at the National Conference Center (NCC) in Leesburg, Virginia.

Humanitarian assistance activities must be consistent with title 10, U.S. Code, section 2561, and DoD implementing guidance. Support provided pursuant to section 2561 is subject to the availability of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funds.

The Department will use an existing General Services Administration contract or any other appropriate contract vehicle to secure the use of facilities at the NCC. DoD will not acquire a lease for facilities as part of this support.

USNORTHCOM may provide resident support personnel to: serve as a resource for individual needs; assist with the management of crises and reporting of emergencies or serious illnesses; work with the facility owner to ensure physical access to areas where evacuees are located is limited to authorized personnel; and ensure appropriate gender separation. DoD support will not include law enforcement, detention, or security functions, and will not include any requirement for support staff to be armed or to detain individuals who are suspected of committing criminal acts.

USNORTHCOM will provide such support to DOS in coordination with the Department of Homeland Security, the lead Federal agency for Operation ALLIES WELCOME (OAW), and will begin transitioning the support for DOS-validated requirements within the United States to the NCC no later than February 21, 2022, and will continue support at NCC through September 30, 2022 or until there are no further requirements, whichever comes first.

Accordingly, USNORTHCOM should develop and implement plans, in consultation with the Joint Staff and the Office of the Under Secretary of Defense for Policy, to provide personnel and operational contract support to obtain and oversee the use of DoD-procured supplies and services to support up to 1,300 Afghan evacuees at the NCC, reaching operating capacity no later than February 28, 2022.



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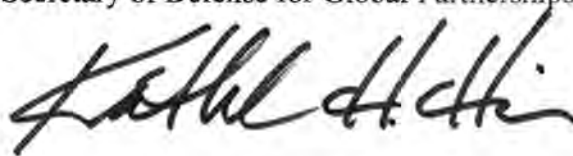
USNORTHCOM will execute support to DOS principally through contract support, while ensuring that any services provided through contracted means have appropriate on-site DoD oversight and management. In addition, USNORTHCOM will provide sufficient DoD personnel to coordinate requirements with on-site representatives from other departments and agencies. Remaining supplies and consumables purchased for OAW that are no longer needed at DoD installations should be used at the NCC to the extent economical.

USNORTHCOM will seek to fully transition housing and related support for Afghan evacuees from Joint Base McGuire-Dix-Lakehurst by February 28, 2022, subject to the readiness of the NCC to house and support the evacuees.

Consistent with the attached authorizations, USNORTHCOM will undertake the above activities using resources made available under Presidential Drawdown Authority to the maximum extent possible. Each Military Department must ensure that support provided pursuant to Presidential Drawdown Authority does not exceed the limit specified by the Defense Security Cooperation Agency (DSCA) Drawdown Execute Message, as amended. To expand execution limits beyond those provided in the current DSCA Drawdown Execution Message, as amended, the Military Departments, Combatant Commands, and other DoD Components must submit a list of intended support to be provided under Presidential Drawdown Authority, including associated costs, to DSCA.

Humanitarian Assistance that cannot be provided using resources made available under Presidential Drawdown Authority will be provided using available DoD authorities (e.g., under title 10, U.S. Code, section 2561, with associated OHDACA funds). Support that is not humanitarian assistance and not provided under Presidential Drawdown Authority will be provided on a fully reimbursable basis in accordance with title 31, U.S. Code, section 1535 (the Economy Act), or other relevant authority upon establishing necessary support agreements with the supported Federal department or agency.

Consistent with DoD 7000.14-R, Financial Management Regulation, volume 12, chapter 23 and my previous direction, Commanders of Combatant Commands and all DoD supporting organizations are required to keep records of all OHDACA-funded support provided to DOS. The record keeping includes submitting daily cost reports to DSCA, the Office of the Under Secretary of Defense (Comptroller), and the Office of the Under Secretary of Defense for Policy, Office of the Deputy Assistant Secretary of Defense for Global Partnerships.



Attachments:
As stated

cc:
CJCS
USD(P)
USD(C)/CFO
DoD GC



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

Operation Allies Welcome, After Action Report

JUL 16 2021

MEMORANDUM FOR COMMANDER, U.S. CENTRAL COMMAND

SUBJECT: Authorization to Provide Support to Department of State Provision of Humanitarian Assistance to Afghan Special Immigration Visa Applicants in Qatar and Kuwait

Upon request from the U.S. Department of State (DOS) for DoD support for humanitarian assistance for Afghan Special Immigration Visa (SIV) applicants and their accompanying family dependents and its approval pursuant to title 10, U.S. Code, section 2561, you are authorized to provide humanitarian assistance in support of DOS in Qatar and Kuwait through November 15, 2021. The Under Secretary of Defense for Policy may authorize an extension of this support.

I hereby delegate Commander, U.S. Central Command (CDRUSCENTCOM), or his designees, the authority to expend an amount not to exceed \$90 million of Overseas Humanitarian, Disaster, and Civic Aid funds to provide urgent lifesaving assistance to Afghan SIV applicants, including site preparation, transportation, logistics, services, and humanitarian procurements to support DOS-identified requirements, on a non-reimbursable basis.

USCENTCOM activities are to be carried out only in response to specific requests from DOS, based on humanitarian requirements, and validated by the DOS Bureau of Populations, Refugees, and Migration (PRM). USCENTCOM will establish a process with DOS/PRM for validating requirements in coordination with the offices of the Under Secretary of Defense for Policy, Special Operations and Low-Intensity Conflict, Stability and Humanitarian Affairs, the DoD General Counsel, and the Defense Security Cooperation Agency (DSCA) to ensure legal and policy requirements are met.

Examples of activities that are authorized under section 2561 include: scrubbing and grading a site to make it suitable for semi-permanent soft-sided temporary shelters; provision of temporary shelters and health care; provision of medical supplies; provision of winterized clothing, blankets, and beds; and provision of food (see Addendum for amplification). If the site to be prepared is located on an existing military installation, before undertaking any site preparation construction activities, DoD must first provide DOS a permit authorizing use of the area to house Afghan SIV applicants. Any site preparation construction activities must be undertaken on the area provided to DOS and may only be undertaken to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants. DOS will provide all care for the SIV applicants, including supervision, medical services, and other daily needs, as well as transportation.

Examples of activities not authorized by section 2561 include the provision of non-humanitarian goods and services; any support to administration or enforcement of immigration laws, regardless of location; provision of supplies or equipment that will remain with partner security forces (including tents, generators, food, medical, etc.); support to camp law



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enforcement, detention, or security functions; and military construction (see Addendum for amplification).

I also delegate CDRUSCENTCOM, or his designees, the authority pursuant section 2561 to transport non-DoD relief supplies and non-DoD personnel on DoD aircraft on a non-reimbursable basis for humanitarian requirements as identified by DOS.

CDRUSCENTCOM is required to keep records of all support provided pursuant to this authorization and is required to submit expenditure reports of incremental costs incurred in accordance with DoD 7000.14-R, Financial Management Regulation, Volume 12, Chapter 23, and as prescribed by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, the Under Secretary of Defense (Comptroller), and the Director, DSCA.



Attachment:
Addendum

cc:
USD(P)
USD(C)
CJCS
DoD GC

Addendum

Examples of activities that are authorized by section 2561 for Afghan SIV applicants:

- Provision of temporary shelter, including site preparation construction activities. If the site to be prepared is located on an existing military installation, before undertaking any site preparation construction activities, DoD must first provide DOS a permit authorizing use of the area to house Afghan SIV applicants. Any site preparation construction activities must be undertaken on the area provided to DOS and may only be undertaken to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants.
- Provision or construction of temporary health facilities
- Provision of medical supplies (kits, personal protective equipment, syringes, etc.)
- Provision of medical equipment (including diagnostics and testing)
- Provision and/or construction of temporary shelters (e.g., prefab or tents)
- Provision of kitchen supplies
- Provision of winterized clothing, blankets, and beds
- Provision of small to medium-sized generators
- Provision of potable water (including trucks and water purification systems)
- Provision of hygiene facilities/latrines
- Provision of ambulances/fire response vehicles
- Laying gravel in and around a temporary housing camp for health purposes
- Provision of food (DoD provision of food is typically limited to urgent requirements; PRM and USAID, World Food Program should meet long-term requirements)

Examples of activities section 2561 does not authorize include:

- Provision of non-humanitarian goods and services
- Any support to administration or enforcement of immigration laws, regardless of location, such as:
 - o providing equipment for the processing of SIVs
 - o construction or furnishing of migrant/refugee processing centers/facilities
- Provision of supplies or equipment that will remain with partner security forces (including tents, generators, food, medical facilities, etc.)
- Support to camp law enforcement, detention, or security functions
- Military construction
- Provision of vocational education
- Support to religious, social, or recreational activities



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

AUG 24 2021

MEMORANDUM FOR COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Authorization to Provide Support to Department of State Through Provision of Humanitarian Assistance in the United States to Afghan Special Immigration Visa Applicants, Their Families, and Other Individuals at Risk

Pursuant to title 10, U.S.C., section 2561, you are authorized to provide humanitarian assistance in support of Department of State (DOS) within the United States through March 15, 2022. This is in addition to my previous authorization on July 18, 2021, for such domestic support. The Under Secretary of Defense for Policy may authorize an extension of this support.

I hereby delegate to Commander, U.S. Northern Command (CDRUSNORTHCOM), the authority to expend no more than an additional \$100 million of Overseas Humanitarian, Disaster, and Civic Aid funds, i.e., no more than \$200 million total, to provide humanitarian assistance within the United States to Afghan Special Immigration Visa (SIV) applicants, their accompanying family dependents, and other individuals at risk to support DOS-identified requirements on a non-reimbursable basis. Presidential Drawdown authority, under section 506(a)(2) of the Foreign Assistance Act of 1961, should also be used to the maximum extent possible.

If a site to be prepared for housing is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants and other individuals at risk. Any site preparation construction activities must be undertaken on the area provided to DOS and may be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk. DOS will supervise and conduct activities related to the processing of SIV applicants, their families, and other individuals at risk.

U.S. Northern Command activities are to be carried out only in response to specific requests from DOS, based on humanitarian requirements, and validated by the DOS Bureau of Populations, Refugees, and Migration (PRM). U.S. Northern Command will establish a process with DOS/PRM for validating requirements, in coordination with the Office of the Under Secretary of Defense for Policy, Special Operations and Low-Intensity Conflict, Stability and Humanitarian Affairs; the DoD Office of General Counsel; and the Defense Security Cooperation Agency (DSCA), to ensure legal and policy requirements are met. See the Addendum for examples of activities that are considered humanitarian assistance.

I also delegate to CDRUSNORTHCOM, the authority pursuant to section 2561 to transport non-DoD relief supplies and non-DoD personnel on DoD aircraft on a non-reimbursable basis for humanitarian requirements as identified by DOS.

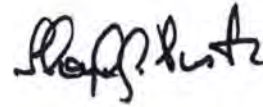
CDRUSNORTHCOM is required to keep records of all support provided pursuant to this authorization and is required to submit expenditure reports of incremental costs incurred in accordance with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23,



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CUI

and as prescribed by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, the Under Secretary of Defense (Comptroller), and the Director, DSCA.

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Attachment:
Addendum

cc:
CJCS
USD(P)
USD(C)
GC
Director, DSCA

ADDENDUM:

Examples of activities that are considered humanitarian assistance:

- Provision of temporary shelter, including site preparation construction activities. If the site to be prepared is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants, their families, and other individuals at risk. Any site preparation construction activities will be undertaken on the area provided to DOS and will be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk.
- Provision or construction of temporary health facilities.
- Provision of medical supplies (kits, personal protective equipment, syringes, etc.).
- Provision of medical equipment (including diagnostics and testing).
- Provision and/or construction of temporary shelters (e.g., prefab or tents).
- Provision of kitchen supplies for dining facilities at temporary housing facilities.
- Provision of winterized clothing, blankets, and beds.
- Provision of small to medium-sized generators.
- Provision of potable water (including via trucks and water purification systems).
- Provision of hygiene facilities/latrines.
- Provision of ambulances/fire response vehicles.
- Laying gravel in and around a temporary housing camp for health purposes.
- Provision of food (DoD provision of food is typically limited to urgent requirements; DOS/PRM, the U.S. Agency for International Development, and the World Food Program should meet long-term requirements).

If the following activities are contemplated, consult with the Office of the Under Secretary of Defense for Policy and the Office of DoD General Counsel:

- Provision of non-humanitarian goods and services.
- Any support to administration or enforcement of immigration laws, regardless of location.
- Provision of supplies or equipment that will remain with partner security forces (including tents, generators, food, medical facilities, etc.).
- Support to camp law enforcement, detention, or security functions.
- Military construction.
- Provision of vocational education.



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

Operation Allies Welcome, After Action Report

SEP 16 2021

MEMORANDUM FOR COMMANDER, U.S. NORTHERN COMMAND
COMMANDER, U.S. EUROPEAN COMMAND
DIRECTOR, DEFENSE HEALTH AGENCY
DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY

SUBJECT: Allocation of Overseas Humanitarian, Disaster, and Civic Aid Funding to Provide
Authorized Humanitarian Assistance Related to Evacuees from Afghanistan

In furtherance of my previous authorizations to support the Department of State (DOS) inside and outside the United States, pursuant to title 10, U.S.C., section 2561, through the provision of housing, ground transportation, medical care, supplies, and services in support of DOS-identified requirements for Afghan Special Immigrant Visa (SIV) principal applicants, accompanying family members, and other individuals at risk, I authorize the following additional allocation of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funding:

U.S. European Command	+\$37.4 million	(\$137.4 million total)
U.S. Northern Command	+\$646.0 million	(\$1,267 million total)
Defense Health Agency	+\$83.0 million	(\$103 million total)

In accordance with the previous approvals issued on August 18, 2021, August 22, 2021, and August 25, 2021, you are authorized to provide humanitarian assistance in the form of temporary shelter, ground transportation, medical care, supplies, and services to support DOS-identified requirements for Afghan SIV principal applicants, accompanying family members, and other individuals at risk. DoD support to DOS will terminate on March 15, 2022, or when support is no longer required, whichever is earlier. Humanitarian assistance activities must be consistent with title 10, U.S.C., section 2561 and DoD implementing guidance.

In accordance with my previous approvals, necessary humanitarian support will be provided under the Presidential Drawdown Authority to the maximum extent possible. Each Military Department must ensure that provided support pursuant to Drawdown Authority does not exceed the limit specified by the Defense Security Cooperation Agency (DSCA) Drawdown Execution Message, as amended. Support that cannot be provided under the drawdown will be provided on a fully reimbursable basis in accordance with title 31, U.S.C., section 1535 (the Economy Act), or, if necessary, using legally available DoD authorities if the above resources are insufficient.

DSCA will retain \$315.2 million in OHDACA funds in reserve, inclusive of those provided in Emergency Security Supplemental Appropriations Act and previous reprogramming actions, to allow flexibility for responding to emerging requirements related to the Afghan evacuation mission.

Consistent with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23 and my previous direction, Commanders of Combatant Commands and all DoD

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supporting organizations are required to keep records of all OHDACA funded support provided to DOS. The record keeping includes submitting daily cost reports to DSCA, the Office of the Under Secretary of Defense (Comptroller), and the Office of the Under Secretary of Defense (Policy).

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cc:

CJCS

USD(P)

USD(C)

GC



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

SEP 30 2021

MEMORANDUM FOR COMMANDER, U.S. NORTHERN COMMAND
COMMANDER, U.S. EUROPEAN COMMAND
COMMANDER, U.S. CENTRAL COMMAND
DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY

SUBJECT: Additional Allocation of \$240 Million Overseas Humanitarian, Disaster, and Civic Aid Funding to Provide Authorized Humanitarian Assistance Related to Evacuees from Afghanistan

In furtherance of previous authorizations to support the Department of State (DOS) validated requirements inside and outside the United States, pursuant to Section 2561 of Title 10, U.S. Code, through the provision of housing, ground transportation, medical care, supplies, and services for Afghan special immigrant visa (SIV) principal applicants, accompanying family members, and other individuals at risk, I authorize the following changes to the allocation of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funding:

U.S. European Command	+\$20.0 million	(\$157.4 million total)
U.S. Northern Command	+\$220.0 million	(\$1,1487.0 million total)
U.S. Central Command	-\$1.2 million	(\$138.8 million total)

In accordance with the previous approvals issued on August 18, August 22, August 24, and September 16, 2021, you are authorized to provide humanitarian assistance in the form of temporary shelter, ground transportation, medical care, supplies, and services to support DOS-validated requirements for Afghan SIV principal applicants, accompanying family members, and other individuals at risk. DoD support to DOS will terminate on March 15, 2022, or when support is no longer required, whichever is earlier. Humanitarian assistance activities must be consistent with 10 U.S.C 2561 and DoD implementing guidance.

In accordance with previous approvals, necessary humanitarian support will be provided under the Presidential Drawdown Authority to the maximum extent possible. Each Military Department must ensure that provided support pursuant to the Drawdown Authority does not exceed the limit specified by the Defense Security Cooperation Agency (DSCA) Drawdown Execution Message, as amended.

To avoid program-wide execution impacts on the entire DoD humanitarian assistance program, Military Departments activating Reserve and National Guard personnel in support of authorized humanitarian assistance activities must seek approval from the Under Secretary of Defense for Policy, in coordination with the Under Secretary of Defense (Comptroller), before using OHDACA funds for such expenses.



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OSD009015-21/CMD011648-21

Consistent with DoD 7000.14-R, Financial Management Regulation, Volume 12, Chapter 23 and my previous direction, Commanders of Combatant Commands and all DoD supporting organizations are required to keep records of all OHDACA funded support provided to DOS. The record keeping includes submitting daily cost reports to DSCA, the Office of the Undersecretary of Defense (Comptroller), and the Office of the Under Secretary of Defense for Policy.



cc: CJCS
USD(P)
USD(C)
GC



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

Operation Allies Welcome, After Action Report

OCT 13 2021

MEMORANDUM FOR COMMANDER, U.S. EUROPEAN COMMAND
COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Additional Allocation of Overseas Humanitarian, Disaster, and Civic Aid
Supplemental Funding to Provide Authorized Humanitarian Assistance Related to
Evacuees from Afghanistan

In furtherance of previous authorizations to support Department of State (DOS)-validated requirements inside and outside the United States, pursuant to title 10, U.S.C., section 2561, through the provision of housing, transportation, necessary medical care, supplies, and services for Afghan Special Immigrant Visa (SIV) principal applicants, accompanying family members, and other individuals at risk, I authorize the following additional allocation of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funding:

U.S. European Command	+\$30.0 million	(\$187.4 million total)
U.S. Northern Command	+\$766.1 million	(\$2,253.1 million total)

In accordance with the previous approvals issued on August 18, 2021, August 22, 2021, August 24, 2021, September 16, 2021, and September 30, 2021, you are authorized to provide humanitarian assistance in the form of temporary shelter, transportation, necessary medical care, supplies, and services to support DOS-validated requirements for Afghan SIV principal applicants, accompanying family members, and other individuals at risk. Humanitarian assistance activities must be consistent with section 2561 and DoD implementing guidance. Support provided pursuant to section 2561 is subject to availability of OHDACA funds.

In accordance with previous approvals, necessary humanitarian support will be provided under the Presidential Drawdown Authority to the maximum extent possible, before expending OHDACA funds. Each Military Department must ensure that support provided pursuant to the Drawdown Authority does not exceed the limit specified by the Defense Security Cooperation Agency (DSCA) Drawdown Execution Message, as amended. Support that cannot be provided pursuant to the Drawdown Authority will be provided on a fully reimbursable basis in accordance with title 31, U.S.C., section 1535 (the Economy Act), or, if necessary, using legally available DoD authorities if the above resources are insufficient.

To avoid execution impacts on the entire DoD humanitarian assistance program, Military Departments activating Reserve and National Guard personnel in support of authorized humanitarian assistance activities must seek approval from the Under Secretary of Defense for Policy, in coordination with the Under Secretary of Defense (Comptroller), before using OHDACA funds for such expenses.

Consistent with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23, and my previous direction, Commanders of Combatant Commands and all DoD

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supporting organizations are required to keep records of all OHDACA-funded support provided to DOS. The record keeping includes submitting daily cost reports to DSCA, the Office of the Under Secretary of Defense (Comptroller), and the Office of the Under Secretary of Defense (Policy).

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cc:
CJCS
USD(P)
USD(C)
GC
DSCA



**DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010**

DEC - 3 2021

**MEMORANDUM FOR COMMANDER, U.S. CENTRAL COMMAND
COMMANDER, U.S. EUROPEAN COMMAND
COMMANDER, U.S. NORTHERN COMMAND
DIRECTOR, DEFENSE HEALTH AGENCY**

**SUBJECT: Additional Allocation of Overseas Humanitarian, Disaster, and Civic Aid
Supplemental Funding to Provide Authorized Humanitarian Assistance Related to
Evacuees from Afghanistan**

In addition to previous authorizations to support Department of State (DOS)-validated requirements inside and outside the United States, pursuant to title 10, U.S.C., section 2561, through the provision of housing, transportation, necessary medical care, supplies, and services for Afghan special immigrant visa (SIV) principal applicants, accompanying family members, and other individuals at risk, I authorize the following allocation of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funding:

U.S. Northern Command	+\$450.0 million	(\$2,703.1 million total)
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In accordance with the previous approvals issued on August 18, August 22, August 24, September 16, September 30, and October 13, 2021, you are authorized to provide humanitarian assistance in the form of temporary shelter, transportation, necessary medical care, supplies, and services to support DOS-validated requirements for Afghan SIV principal applicants, accompanying family members, and other individuals at risk. Humanitarian assistance activities must be consistent with section 2561 and Department of Defense (DoD) implementing guidance. Support provided pursuant to section 2561 is subject to the availability of OHDACA funds.

In accordance with previous approvals, necessary humanitarian support will be provided under the Presidential Drawdown Authority to the maximum extent possible. Each Military Department must ensure that support provided pursuant to the Drawdown Authority does not exceed the limit specified by the Defense Security Cooperation Agency (DSCA) Drawdown Execution Message, as amended. Support that cannot be provided pursuant to the Drawdown Authority will be provided on a fully reimbursable basis in accordance with title 31, U.S.C., section 1535 (the Economy Act), or, if necessary, using legally available DoD authorities if the above resources are insufficient (e.g., humanitarian assistance under section 2561).

In accordance with the Under Secretary of Defense (Comptroller) November 1, 2021 memorandum, Military Departments will request and execute funding through their respective personnel appropriations for the pay and allowances of Reserve Component performance of humanitarian assistance activities undertaken pursuant to section 2561, and not use OHDACA funds for such expenses.

Consistent with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23 and my previous direction, Commanders of the Combatant Commands and all DoD

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supporting organizations are required to keep records of all OHDACA-funded support provided to DOS. The record keeping includes submitting daily cost reports to DSCA, the Office of the Under Secretary of Defense (Comptroller), and the Office of the Under Secretary of Defense for Policy, Office of Stability and Humanitarian Affairs.

A handwritten signature in black ink, appearing to read "Kathleen Hall".

cc:
CJCS
USD(P)
USD(C)
GC
DSCA



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

DEC 23 2021

MEMORANDUM FOR COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Additional Allocation of Overseas Humanitarian, Disaster, and Civic Aid
Supplemental Funding to Provide Authorized Humanitarian Assistance Related to
Evacuees from Afghanistan

Pursuant to title 10, U.S.C., section 2561, I authorize the following allocation of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funding in addition to previous authorizations to support Operation Allies Welcome requirements:

U.S. Northern Command	+\$1,089 million	(\$3,792.1 million total)
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In accordance with the previous approvals issued on August 18, August 22, August 24, September 16, September 30, October 13, and December 3, 2021, you are authorized to provide humanitarian assistance in the form of temporary shelter, transportation, necessary medical care, supplies, and services to support Department of State (DOS)-validated requirements for Afghan Special Immigrant Visa principal applicants, accompanying family members, and other individuals at risk. Humanitarian assistance activities must be consistent with section 2561 and Department of Defense (DoD) implementing guidance. Support provided pursuant to section 2561 is subject to the availability of OHDACA funds.

In accordance with previous approvals, Combatant Commands are directed to provide necessary humanitarian support under the Presidential Drawdown Authority to the maximum extent possible. Each Military Department must ensure that support provided pursuant to the Drawdown Authority does not exceed the limit specified by the Defense Security Cooperation Agency (DSCA) Drawdown Execution Message, as amended.

Support that cannot be provided pursuant to the Drawdown Authority will be provided on a fully reimbursable basis in accordance with title 31, U.S.C., section 1535 (the Economy Act) upon concluding necessary support agreements with the supported Federal department or agency (which may be for humanitarian or non-humanitarian activities); or, if necessary, using legally available DoD authorities if the above resources are insufficient (e.g., humanitarian assistance under section 2561).

In accordance with the Under Secretary of Defense (Comptroller) November 1, 2021 memorandum, Military Departments will execute funding through their respective personnel appropriations for the pay and allowances of Reserve Component performance of humanitarian assistance activities undertaken pursuant to section 2561, and not use OHDACA funds for such expenses.

Consistent with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23 and my previous direction, Commanders of Combatant Commands and all DoD supporting organizations are required to keep records of all OHDACA-funded support provided to DOS. The record keeping includes submitting daily cost reports to DSCA, the Office of the

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Under Secretary of Defense (Comptroller), and the Office of the Under Secretary of Defense for Policy, Office of Stability and Humanitarian Affairs.

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cc:

CJCS

USD(P)

USD(C)

CDR, USEUCOM

CDR, USCENTCOM

DoD GC

DIR, DHA

DIR, DSCA

TAB
B



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

Operation Allies Welcome, After Action Report

FEB 07 2022

MEMORANDUM FOR COMMANDER, U.S. CENTRAL COMMAND

SUBJECT: Department of Defense Medical Care in Support of Department of State at Camp As Sayliyah, Qatar

Consistent with my July 16, September 22, September 16, September 30, October 13, December 3, and December 23, 2021 authorizations to provide humanitarian assistance in the form of necessary medical services and assistance in support of Department of State (DOS)-identified and prioritized requirements; and pursuant to title 10, U.S. Code, section 2561; the Department will continue to support DOS medical resettlement screening and immunizations of evacuees from Afghanistan at Camp As Sayliyah (CAS), until February 15, 2022, when the DOS (through contract with the International Organization for Migration (IOM)) is expected to begin providing these services.

Humanitarian assistance activities must be consistent with section 2561 and DoD implementing guidance. Support provided pursuant to section 2561 is subject to the availability of Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funds.

Limited DoD staff necessary to support a seamless transition with IOM medical teams, not to exceed ten personnel, will remain available through February 28, 2022. United States Central Command will make available to DOS for IOM use, through an appropriate written agreement with DOS, DoD medical exam equipment through April 2022, at which time IOM should have its equipment in place and fully operational.

DoD will, as appropriate, request an allocation of coronavirus disease 2019 vaccines or, for other Centers for Disease Control and Prevention recommended age-appropriate vaccines, procure and deliver such vaccines to DOS for IOM use through September 1, 2022. DOS, through IOM, will be responsible for storing and administering the vaccines to the Afghan evacuees.

Separately, DoD will continue to provide necessary medical care to evacuees from Afghanistan at CAS through September 1, 2022, including necessary and appropriate public health measures. Any care that exceeds the capabilities of DoD, or any care that is provided off of CAS, will be the responsibility of DOS, as agreed at the January 20, 2022 Afghan Resettlement Interagency Policy Committee, including coordinating and executing aeromedical evacuation. DOS must submit a request to DoD should it need support contracting for aeromedical evacuation, which will be assessed on a case-by-case basis. This does not preclude DoD providing or facilitating all necessary care in case of emergency.

Consistent with existing approval of support, these activities will be undertaken using resources made available under the Presidential Drawdown Authority to the maximum extent possible. Support that cannot be provided using such resources will be provided using available



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associated OHDACA funds) or will be provided on a fully reimbursable basis in accordance with title 31, U.S. Code, section 1535 (the Economy Act), upon establishing necessary support agreements with the supported Federal department or agency.

Consistent with DoD 7000.14-R, Financial Management Regulation, volume 12, chapter 23 and my previous direction, Commanders of Combatant Commands and all DoD supporting organizations are required to keep records of all OHDACA-funded support provided to DOS. The record keeping includes submitting daily cost reports to DSCA, the Office of the Under Secretary of Defense (Comptroller), and the Office of the Under Secretary of Defense for Policy, Office of the Deputy Assistant Secretary of Defense for Global Partnerships.



cc:
CJCS
USD(P)
USD(C)/CFO
DoD GC

TAB C



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

AUG 24 2021

MEMORANDUM FOR COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Authorization to Provide Support to Department of State Through Provision of Humanitarian Assistance in the United States to Afghan Special Immigration Visa Applicants, Their Families, and Other Individuals at Risk

Pursuant to title 10, U.S.C., section 2561, you are authorized to provide humanitarian assistance in support of Department of State (DOS) within the United States through March 15, 2022. This is in addition to my previous authorization on July 18, 2021, for such domestic support. The Under Secretary of Defense for Policy may authorize an extension of this support.

I hereby delegate to Commander, U.S. Northern Command (CDRUSNORTHCOM), the authority to expend no more than an additional \$100 million of Overseas Humanitarian, Disaster, and Civic Aid funds, i.e., no more than \$200 million total, to provide humanitarian assistance within the United States to Afghan Special Immigration Visa (SIV) applicants, their accompanying family dependents, and other individuals at risk to support DOS-identified requirements on a non-reimbursable basis. Presidential Drawdown authority, under section 506(a)(2) of the Foreign Assistance Act of 1961, should also be used to the maximum extent possible.

If a site to be prepared for housing is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants and other individuals at risk. Any site preparation construction activities must be undertaken on the area provided to DOS and may be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk. DOS will supervise and conduct activities related to the processing of SIV applicants, their families, and other individuals at risk.

U.S. Northern Command activities are to be carried out only in response to specific requests from DOS, based on humanitarian requirements, and validated by the DOS Bureau of Populations, Refugees, and Migration (PRM). U.S. Northern Command will establish a process with DOS/PRM for validating requirements, in coordination with the Office of the Under Secretary of Defense for Policy, Special Operations and Low-Intensity Conflict, Stability and Humanitarian Affairs; the DoD Office of General Counsel; and the Defense Security Cooperation Agency (DSCA), to ensure legal and policy requirements are met. See the Addendum for examples of activities that are considered humanitarian assistance.

I also delegate to CDRUSNORTHCOM, the authority pursuant to section 2561 to transport non-DoD relief supplies and non-DoD personnel on DoD aircraft on a non-reimbursable basis for humanitarian requirements as identified by DOS.

CDRUSNORTHCOM is required to keep records of all support provided pursuant to this authorization and is required to submit expenditure reports of incremental costs incurred in accordance with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23,

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and as prescribed by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, the Under Secretary of Defense (Comptroller), and the Director, DSCA.

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**Attachment:
Addendum**

cc:
CJCS
USD(P)
USD(C)
GC
Director, DSCA

ADDENDUM:

Examples of activities that are considered humanitarian assistance:

- Provision of temporary shelter, including site preparation construction activities. If the site to be prepared is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants, their families, and other individuals at risk. Any site preparation construction activities will be undertaken on the area provided to DOS and will be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk.
- Provision or construction of temporary health facilities.
- Provision of medical supplies (kits, personal protective equipment, syringes, etc.).
- Provision of medical equipment (including diagnostics and testing).
- Provision and/or construction of temporary shelters (e.g., prefab or tents).
- Provision of kitchen supplies for dining facilities at temporary housing facilities.
- Provision of winterized clothing, blankets, and beds.
- Provision of small to medium-sized generators.
- Provision of potable water (including via trucks and water purification systems).
- Provision of hygiene facilities/latrines.
- Provision of ambulances/fire response vehicles.
- Laying gravel in and around a temporary housing camp for health purposes.
- Provision of food (DoD provision of food is typically limited to urgent requirements; DOS/PRM, the U.S. Agency for International Development, and the World Food Program should meet long-term requirements).

If the following activities are contemplated, consult with the Office of the Under Secretary of Defense for Policy and the Office of DoD General Counsel:

- Provision of non-humanitarian goods and services.
- Any support to administration or enforcement of immigration laws, regardless of location.
- Provision of supplies or equipment that will remain with partner security forces (including tents, generators, food, medical facilities, etc.).
- Support to camp law enforcement, detention, or security functions.
- Military construction.
- Provision of vocational education.

TAB
D



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

SEP 21 2021

MEMORANDUM FOR COMMANDER, U.S. CENTRAL COMMAND

SUBJECT: Authorization to Provide Support to the Department of State for Afghan Special Immigration Visa Principal Applicants, Their Family Members, and Other Individuals at Risk in the U.S. Central Command Area of Responsibility

Subject to host nation consent to host Afghan Special Immigrant Visa (SIV) principal applicants, their family members, and other individuals at risk, you are authorized to provide humanitarian assistance in support of the Department of State (DOS) in all countries in U.S. Central Command's (USCENTCOM) Area of Responsibility identified by DOS through March 15, 2022. This is in addition to the Deputy Secretary of Defense's previous authorization on July 16, 2021, for support to DOS in Qatar and Kuwait. The Under Secretary of Defense for Policy may authorize an extension of this support.

This support will be provided pursuant to Presidential Drawdown Authority under section 506(a)(2) of the Foreign Assistance Act of 1961 to the maximum extent possible. Support that cannot be provided under Drawdown Authority will be provided on a fully reimbursable basis in accordance with title 31, U.S.C., section 1535 (the Economy Act), or, if necessary, using legally available DoD authorities and funding where required to fill critical gaps in DOS support. This memorandum memorializes my August 19, 2021 delegation of authority to Commander, U.S. Central Command (CDRUSCENTCOM), to expend an additional \$50 million of Overseas Humanitarian, Disaster, and Civic Aid funds, for \$140 million total, to provide humanitarian assistance to Afghan SIV applicants, their accompanying family members, and other individuals at risk within the host country, site preparation for housing, housing, ground transportation, medical care, supplies, and services to support DOS-identified requirements on a non-reimbursable and reimbursable basis. Civilian law enforcement and detention activities are not authorized.

If the site to be prepared is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants and other individuals at risk. Any site preparation construction activities must be undertaken on the area provided to DOS and may only be undertaken to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk. DOS will provide all care for the SIV applicants and other individuals at risk, including supervision, medical services, and other daily needs, as well as transportation.

USCENTCOM activities are to be carried out only in response to specific requests from DOS, based on humanitarian requirements, and validated by the DOS Bureau of Populations, Refugees, and Migration (PRM). USCENTCOM will establish a process with DOS/PRM for validating requirements, in coordination with the Office of the Under Secretary of Defense for Policy, Special Operations and Low-Intensity Conflict, Stability and Humanitarian Affairs; the



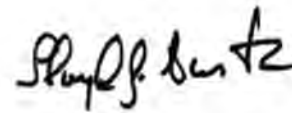
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DoD Office of General Counsel; and the Defense Security Cooperation Agency (DSCA) office, to ensure legal and policy requirements are met.

I also delegated to CDRUSCENTCOM, or his designees, the authority pursuant to section 2561 to transport non-DoD relief supplies and non-DoD personnel on DoD aircraft on a reimbursable or non-reimbursable basis for humanitarian requirements as identified by DOS.

CDRUSCENTCOM is required to keep records of all support provided pursuant to this authorization and is required to submit expenditure reports of incremental costs incurred in accordance with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23, and as prescribed by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, the Under Secretary of Defense (Comptroller), and the Director, DSCA.



cc:
CJCS
USD(P)
USD(C)
GC
Director, DSCA

TAB E

Policy Coordination Sheet

Subject: Department of Defense Support to Operation ALLIES WELCOME in Qatar and the United States

Control Number: USP000209-22

Title/Organization	Name	Coordination Requested	Coordination Received
Department of the Army	The Hon. Christine Wormouth	2/2/2022	2/4/2022
Department of the Navy	Mr. Marty Simon	2/2/2022	2/2/2022
Department of the Air Force	The Hon. Frank Kendall	2/2/2022	2/5/2022
OUSD(C)/CFO	The Hon Michael McCord	2/2/2022	2/3/2022
OGC	Ms. Corin Stone	2/2/2022	2/4/2022
Joint Staff	RADM George Wikoff	2/2/2022	2/2/2022
ASD/SOLIC	DASD Michelle Strucke	2/2/2022	2/4/2022

Enclosure 12

(CUI) Contract Acquisition Review Board (CARB)
meeting agenda, Fort Lee



CUI

Operation Allies Welcome, After Action Report



TF-TF Eagle Contract Acquisition Review Board (CARB)

Date: 31 July 2021

POC:



CUI

CUI



CUI

Operation Allies Welcome, After Action Report



Agenda

- ***Requirement Owner Introduction and Briefing***
- ***Discussion***
- ***Guidance***

Procurement Sensitive

CUI



CUI

Operation Allies Welcome, After Action Report



Purchases To Date

Requiring Activity	Description	Cost
MED OPs & Mayor Cell	Folding table x136, Folding Chair x512, Mobile Pedestal x5, Large Refrigerator x4, Microwave x4, Divider x65, Installation x1	\$40,607.05
CPA	Folding Picnic Table (10x); Pop-up Canopy (4x)	\$2,691.80
LSA	Crib Mattresses (11x)	\$479.89 <i>Already purchased via Family and MWR.</i>

CUI

CUI



CUI

Operation Allies Welcome, After Action Report



Requirements This CARB

Requiring Activity	Description	POP
LSA	Twin Blankets (600); Crib Bedding (11x);	\$16,800 (est cost. Wtg on market research)
LSA	Electric Water Kettles (600)	\$9,600
CPA	Orange construction fence (14x), stakes (30)	\$1271.94
LSA	Infant Bassinets (130)	\$13,000
DPW	AC Repair for Bldg 935 AC coils	Waiting on Cost Est from DPW

Procurement Sensitive

CUI



CUI

Operation Allies Welcome, After Action Report

Pending CARB Actions

Requiring Activity	Description	Cost
LSA	Portable/Folding Cots (576)	UNK – need market research
CPA	Air Purifiers for Medical Personnel	UNK - need market research
ALU	Lodging contract for dislocated students. Request permission to begin the Re-compete process. Contract will expire on 24 AUG 21.	\$2.9M

Procurement Sensitive

CUI

Enclosure 13

Secretary of Defense Memo, 24 August 2021, Authorizing
use of Overseas Humanitarian, Disaster, and Civic Aid
(OHDACA) Funds to support Operation Allies Welcome



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

AUG 24 2021

MEMORANDUM FOR COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Authorization to Provide Support to Department of State Through Provision of Humanitarian Assistance in the United States to Afghan Special Immigration Visa Applicants, Their Families, and Other Individuals at Risk

Pursuant to title 10, U.S.C., section 2561, you are authorized to provide humanitarian assistance in support of Department of State (DOS) within the United States through March 15, 2022. This is in addition to my previous authorization on July 18, 2021, for such domestic support. The Under Secretary of Defense for Policy may authorize an extension of this support.

I hereby delegate to Commander, U.S. Northern Command (CDRUSNORTHCOM), the authority to expend no more than an additional \$100 million of Overseas Humanitarian, Disaster, and Civic Aid funds, i.e., no more than \$200 million total, to provide humanitarian assistance within the United States to Afghan Special Immigration Visa (SIV) applicants, their accompanying family dependents, and other individuals at risk to support DOS-identified requirements on a non-reimbursable basis. Presidential Drawdown authority, under section 506(a)(2) of the Foreign Assistance Act of 1961, should also be used to the maximum extent possible.

If a site to be prepared for housing is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants and other individuals at risk. Any site preparation construction activities must be undertaken on the area provided to DOS and may be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk. DOS will supervise and conduct activities related to the processing of SIV applicants, their families, and other individuals at risk.

U.S. Northern Command activities are to be carried out only in response to specific requests from DOS, based on humanitarian requirements, and validated by the DOS Bureau of Populations, Refugees, and Migration (PRM). U.S. Northern Command will establish a process with DOS/PRM for validating requirements, in coordination with the Office of the Under Secretary of Defense for Policy, Special Operations and Low-Intensity Conflict, Stability and Humanitarian Affairs; the DoD Office of General Counsel; and the Defense Security Cooperation Agency (DSCA), to ensure legal and policy requirements are met. See the Addendum for examples of activities that are considered humanitarian assistance.

I also delegate to CDRUSNORTHCOM, the authority pursuant to section 2561 to transport non-DoD relief supplies and non-DoD personnel on DoD aircraft on a non-reimbursable basis for humanitarian requirements as identified by DOS.

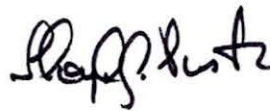
CDRUSNORTHCOM is required to keep records of all support provided pursuant to this authorization and is required to submit expenditure reports of incremental costs incurred in accordance with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23,

CUI



OSD007648-21/CMD010132-21

and as prescribed by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, the Under Secretary of Defense (Comptroller), and the Director, DSCA.

A handwritten signature in black ink, appearing to read "R. J. Lutz", is positioned to the right of the main text block.

Attachment:
Addendum

cc:
CJCS
USD(P)
USD(C)
GC
Director, DSCA

ADDENDUM:

Examples of activities that are considered humanitarian assistance:

- Provision of temporary shelter, including site preparation construction activities. If the site to be prepared is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants, their families, and other individuals at risk. Any site preparation construction activities will be undertaken on the area provided to DOS and will be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk.
- Provision or construction of temporary health facilities.
- Provision of medical supplies (kits, personal protective equipment, syringes, etc.).
- Provision of medical equipment (including diagnostics and testing).
- Provision and/or construction of temporary shelters (e.g., prefab or tents).
- Provision of kitchen supplies for dining facilities at temporary housing facilities.
- Provision of winterized clothing, blankets, and beds.
- Provision of small to medium-sized generators.
- Provision of potable water (including via trucks and water purification systems).
- Provision of hygiene facilities/latrines.
- Provision of ambulances/fire response vehicles.
- Laying gravel in and around a temporary housing camp for health purposes.
- Provision of food (DoD provision of food is typically limited to urgent requirements; DOS/PRM, the U.S. Agency for International Development, and the World Food Program should meet long-term requirements).

If the following activities are contemplated, consult with the Office of the Under Secretary of Defense for Policy and the Office of DoD General Counsel:

- Provision of non-humanitarian goods and services.
- Any support to administration or enforcement of immigration laws, regardless of location.
- Provision of supplies or equipment that will remain with partner security forces (including tents, generators, food, medical facilities, etc.).
- Support to camp law enforcement, detention, or security functions.
- Military construction.
- Provision of vocational education.

Enclosure 14

(CUI) USNORTHCOM FRAGO 182.023, fiscal law guidance

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CDRUSNORTHCOM FRAGO 182.023 TO USNORTHCOM OPORD 01-17 (SUPPORT

Originator: NORAD AND USNORTHCOM COMMAND CENTER PETERSON AFB CO

TOR: 09/06/2021 02:28:17

DTG: 060225Z Sep 21

Prec: Routine

DAC: General

COMMARFORNORTH, COMMARFORNORTH G SIX, COMMARFORNORTH G THREE G FIVE G SEVEN, AFNORTH A3 TYNDALL AFB FL, AFNORTH CAT TYNDALL AFB FL, AFNORTH CC TYNDALL AFB FL, AFNORTH TYNDALL AFB FL, CDR 5 ARMY NORTH AOC FT SAM HOUSTON TX, SOCNORTH J3 PETERSON AFB CO, SOCNORTH PETERSON AFB CO, HQ JTF ALASKA ELMENDORF AFB AK, JTF ALASKA ELMENDORF AFB AK, JOINT TASK FORCE NORTH, JTF-N J3 FT BLISS TX, HQ ALCOM ELMENDORF AFB AK, CDR MDW JFHQ-NCR FT MCNAIR DC, CJTFCS FT EUSTIS VA, AMOC MARCH ARB CA, CO MCAS MIRAMAR CA, CDR USCENTCOM CJOC-J MACDILL AFB FL, DCDR USCENTCOM MACDILL AFB FL, CDR USSOUTHCOM MIAMI FL, HQ USSOUTHCOM MIAMI FL, HQ USPACOM, HQ USEUCOM VAIHINGEN GE, CDR USEUCOM EPOC JOC VAIHINGEN GE, CDR USAFRICOM STUTTGART GE, CDR USAFRICOM JOC OPS STUTTGART GE, HQ USAFRICOM STUTTGART GE, JOINT STAFF J35 JFC WASHINGTON DC

NORAD AND USNORTHCOM COMMAND CENTER PETERSON AFB CO, HQDA SEC ARMY WASHINGTON DC, HQDA CSA WASHINGTON DC, JOINT STAFF J35 JFC WASHINGTON DC, HQDA ARMY STAFF WASHINGTON DC, CSAF WASHINGTON DC, CJCS NMCC WASHINGTON DC, JOINT STAFF J3 NMCC OPS WASHINGTON DC, COMMARFORCOM G THREE G FIVE G SEVEN, HQ FORSCOM G3 CURR OPS FT BRAGG NC, CDR FORSCOM DCS G3 WATCH OFFICER FT BRAGG NC, CDR FORSCOM DCS G3 WATCH OFFICER FT BRAGG NC, CDRFORSCOM CMD CTR FT BRAGG NC, CDRFORSCOM G3 FUTURE OPS BR FT BRAGG NC, CDR USTRANSCOM DDOC SCOTT AFB IL, CDR USTRANSCOM TCJ3 SCOTT AFB IL, CDR USPACOM HONOLULU HI, FEMA FRC RGN I MAYNARD MA, FEMA FRC RGN IV THOMASVILLE GA, FEMA FRC RGN VI DENTON TX, FEMA FRC RGN VIII DENVER CO, FEMA FRC RGN X BOTHELL WA, FEMA HQ WASHINGTON DC, FEMA RGN I MAYNARD MA, FEMA RGN II NEW YORK NY, FEMA RGN III PHILADELPHIA PA, FEMA RGN IV ATLANTA GA, FEMA RGN IX SAN FRANCISCO CA, FEMA RGN V CHICAGO IL, FEMA RGN VII KANSAS CITY MO, HQ USSOCOM CMD CTR MACDILL AFB FL, ARNGRC WATCH ARLINGTON VA, ARNG NGB J3 NGCC WASHINGTON DC, AFOG WASHINGTON DC, DHS OPERATIONS DIRECTORATE WASHINGTON DC, CDR 5 ARMY NORTH AOC FT SAM HOUSTON TX, CDR 5 ARMY NORTH HQ TF 51 FT SAM HOUSTON TX, HQ USPACOM J3, HQ USPACOM JOC, CDR USSOUTHCOM MIAMI FL, HQ USSOUTHCOM J3 MIAMI FL, CDRUSARPAC CG FT SHAFTER HI, CDRUSARPAC FT SHAFTER HI, USARPAC COMMAND CENTER FT SHAFTER HI, USCYBERCOM FT GEORGE G MEADE MD, HQ USSPACECOM COLORADO SPRINGS CO, JFHQ DODIN FT GEORGE G MEADE MD, HQ ACC CMD CENTER LANGLEY AFB VA

Attachments: Annex_A_to_FRAGO_182.023_(SUPPORT TO DHS FOR AFGHAN PERSONNEL).xlsx

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TO RUIQAAA/COMMARFORNORTH
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RUIAAAA/AFNORTH CAT TYNDALL AFB FL
RUIAAAA/AFNORTH CC TYNDALL AFB FL
RUIAAAA/AFNORTH TYNDALL AFB FL
RUIAAAA/CDR 5 ARMY NORTH AOC FT SAM HOUSTON TX
RUIEAAA/SOCNORTH J3 PETERSON AFB CO
RUIEAAA/SOCNORTH PETERSON AFB CO
RHMCSUU/HQ JTF ALASKA ELMENDORF AFB AK
RUIAAAA/JTF ALASKA ELMENDORF AFB AK
RUIPAAA/JOINT TASK FORCE NORTH
RUIPAAA/JTF-N J3 FT BLISS TX
RUIAAAA/HQ ALCOM ELMENDORF AFB AK
RUIAAAA/CDR MDW JFHQ-NCR FT MCNAIR DC
RUIAAAA/CJTFCS FT EUSTIS VA
RUILAAA/AMOC MARCH ARB CA
RUIIAAA/CO MCAS MIRAMAR CA
RUIPAAA/CDR USCENTCOM CJOC-J MACDILL AFB FL

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RUIPAAA/DCDR USCENTCOM MACDILL AFB FL
 RUIDAAA/CDR USSOUTHCOM MIAMI FL
 RUIDAAA/HQ USSOUTHCOM MIAMI FL
 RUICAAA/HQ USPACOM
 RUIPAAA/HQ USEUCOM VAIHINGEN GE
 RUIPAAA/CDR USEUCOM EPOC JOC VAIHINGEN GE
 RUIPAAA/CDR USAFRICOM STUTTGART GE
 RUIPAAA/CDR USAFRICOM JOC OPS STUTTGART GE
 RUIPAAA/HQ USAFRICOM STUTTGART GE
 RUEKJCS/JOINT STAFF J35 JFC WASHINGTON DC
 ZEN/COMUSNAVNORTH
 ZEN/JTFCS NORTHCOM FT MONROE VA
 ZEN/HQ 25HQ JBSA LACKLAND AFB TX
 ZEN/JBAB WASHINGTON DC
 ZEN/NAVBASE VENTURA CTY PT MUGU CA
 INFO RUIAAAA/NORAD AND USNORTHCOM COMMAND CENTER PETERSON AFB CO
 RUEADWD/HQDA SEC ARMY WASHINGTON DC
 RUEADWD/HQDA CSA WASHINGTON DC
 RUEKJCS/JOINT STAFF J35 JFC WASHINGTON DC
 RUEADWD/HQDA ARMY STAFF WASHINGTON DC
 RUEAHQA/CSAF WASHINGTON DC
 RUEKJCS/CJCS NMCC WASHINGTON DC
 RUEKJCS/JOINT STAFF J3 NMCC OPS WASHINGTON DC
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 RUJAAAA/CDR FORSCOM DCS G3 WATCH OFFICER FT BRAGG NC
 RUIAAAA/CDR FORSCOM DCS G3 WATCH OFFICER FT BRAGG NC
 RUIAAAA/CDRFORSCOM CMD CTR FT BRAGG NC
 RUIAAAA/CDRFORSCOM G3 FUTURE OPS BR FT BRAGG NC
 RUIHAAA/CDR USTRANSCOM DDOC SCOTT AFB IL
 RUIHAAA/CDR USTRANSCOM TCJ3 SCOTT AFB IL
 RUICAAA/CDR USPACOM HONOLULU HI
 RUILAAA/FEMA FRC RGN I MAYNARD MA
 RUILAAA/FEMA FRC RGN IV THOMASVILLE GA
 RUILAAA/FEMA FRC RGN VI DENTON TX
 RUILAAA/FEMA FRC RGN VIII DENVER CO
 RUILAAA/FEMA FRC RGN X BOTHELL WA
 RUILAAA/FEMA HQ WASHINGTON DC
 RUILAAA/FEMA RGN I MAYNARD MA
 RUILAAA/FEMA RGN II NEW YORK NY
 RUILAAA/FEMA RGN III PHILADELPHIA PA
 RUILAAA/FEMA RGN IV ATLANTA GA
 RUILAAA/FEMA RGN IX SAN FRANCISCO CA
 RUILAAA/FEMA RGN V CHICAGO IL
 RUILAAA/FEMA RGN VII KANSAS CITY MO
 RUEAAAA/HQ USSOCOM CMD CTR MACDILL AFB FL
 RUIAAAA/ARNGRC WATCH ARLINGTON VA
 RUIAAAA/ARNG NGB J3 NGCC WASHINGTON DC
 RUEAHQA/AFOG WASHINGTON DC
 RUILAAA/DHS OPERATIONS DIRECTORATE WASHINGTON DC
 RUIAAAA/CDR 5 ARMY NORTH AOC FT SAM HOUSTON TX
 RUIAAAA/CDR 5 ARMY NORTH HQ TF 51 FT SAM HOUSTON TX
 RUICAAA/HQ USPACOM J3
 RUICAAA/HQ USPACOM JOC
 RUIDAAA/CDR USSOUTHCOM MIAMI FL
 RUIDAAA/HQ USSOUTHCOM J3 MIAMI FL
 RUIAAAA/CDRUSARPAC CG FT SHAFTER HI
 RUIAAAA/CDRUSARPAC FT SHAFTER HI
 RUIAAAA/USARPAC COMMAND CENTER FT SHAFTER HI
 RUIAAAA/USCYBERCOM FT GEORGE G MEADE MD
 RUIPAAA/HQ USSPACECOM COLORADO SPRINGS CO
 RUIPAAA/JFHQ DODIN FT GEORGE G MEADE MD

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RUIAAAA/HQ ACC CMD CENTER LANGLEY AFB VA
ZEN/CNO WASHINGTON DC
ZEN/COMUSFLTFORCOM NORFOLK VA
ZEN/COMLANTAREA COGARD PORTSMOUTH VA
ZEN/COMPACAREA COGARD ALAMEDA CA
ZEN/CANR HQ WINNIPEG
ZEN/JB PEARL HARBOR-HICKAM HI
ZEN/NAVREG MIDLANT RCC GREAT LAKES IL
ZEN/NAVSTA GREAT LAKES IL
ZEN/NAS JRB FORT WORTH TX
ZEN/NAVBASE KITSAP SILVERDALE WA
ZEN/DEPT OF HHS WASHINGTON DC
ZEN/CNIC WASHINGTON DC
ZEN/COMNAVREG HAWAII PEARL HARBOR HI
ZEN/COMNAVREG MIDLANT NORFOLK VA
ZEN/COMNAVREG NW SILVERDALE WA
ZEN/COMNAVREG PEARL HARBOR HI
ZEN/COMNAVREG SE JACKSONVILLE FL
ZEN/COMNAVREG SW SAN DIEGO CA
ZEN/COMNAVDIST WASHINGTON DC
ZEN/NAVOPSPTCEN VENTURA COUNTY CA
ZEN/NAVMEDFORPAC SAN DIEGO CA
BT
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SUBJ/CDRUSNORTHCOM FRAGO 182.023 TO USNORTHCOM OPORD 01-17 (SUPPORT
TO DHS FOR AFGHAN PERSONNEL)
MSGID/ORDER/CDRUSNORTHCOM//

TIMEZONE/Z//

REF/A-BC NO CHANGE//

NARR/ (CUI) THIS FRAGO TRANSFERS CAPABILITIES TO JFLCC, AND DIRECTS
JFLCC TO BUILD OUT CAPACITY AT CAMP ATTERBURY, IN TO ACCOMMODATE
SEVEN THOUSAND AFGHAN PERSONNEL BY 11 SEP 21. IT ALSO PROVIDES
DIRECTION AND GUIDANCE TO JFLCC FOR REPORTING VIA THE USNORTHCOM
GEOPORTAL, DIRECTS USNORTHCOM STAFF TO LEVERAGE THE GEOPORTAL DATA,
AND PROVIDES UPDATED FUNDING GUIDANCE.//

GENTEXT/SITUATION/

1. (U) SITUATION. NO CHANGE.//

GENTEXT/MISSION/

2. (U) MISSION. NO CHANGE.//

GENTEXT/EXECUTION/

3. (U) EXECUTION.

3.A. (U) CONCEPT OF OPERATIONS. NO CHANGE.

3.B. (U) COMMANDER'S INTENT. NO CHANGE.

3.C. (U) TASKS TO SUBORDINATE AND COMPONENT COMMANDS AND SUPPORTING
ELEMENTS.

3.C.1. (U) JFLCC/USARNORTH. CHANGE.

3.C.1.A. (U) ACCEPT AND EXERCISE C2 OF CAPABILITIES IDENTIFIED IN
ANNEX A. RELEASE FORCES ON DESIGNATED END DATE.

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3.C.1.B. (U) USNORTHCOM IS TRANSITIONING TO THE UNCLASSIFIED GEOPORTAL AS THE PRIMARY MEANS TO FACILITATE OAW REPORTING REQUIREMENTS TO CDRUSNORTHCOM BEGINNING ON 7 SEP 2021 AT 1700Z (2300MDT). DURING THE TRANSITION, INFORMATION (E.G. PLACEMATS) PREVIOUSLY DELIVERED VIA EMAIL, SHARE POINT, OR PHONE WILL CONTINUE TO BE DELIVERED UNTIL DTG TBD.

3.C.1.B.1. (U) GEOPORTAL UPDATES SHOULD BE PROVIDED AS CLOSE TO REAL TIME AS POSSIBLE, BUT NO LATER THAN TWICE DAILY AT 0500Z AND 1700Z.

3.C.1.B.2. (U) ADDITIONAL REPORTING REQUIREMENTS. REPORT THE FOLLOWING INFORMATION FOR EACH TASK FORCE AND APOD LOCATION VIA GEOPORTAL BEGINNING ON 7 SEP 2021 AT 1700Z. REPORT THE FOLLOWING INFORMATION VIA GEOPORTAL ARCGIS SURVEYS. READ IN TWO COLUMNS: CATEGORY (REPORTING VALUE):

3.C.1.B.2.A (U) FACILITIES STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.B (U) MEDICAL STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.C (U) WATER STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.D (U) BEDS STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.E (U) SHUTTLE STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.F (U) LATRINE/SHOWER STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.G (U) FOOD SERVICES STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.H (U) POWER STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.I (U) LINGUIST STATUS (RED/AMBER/GREEN)
 3.C.1.B.2.J (U) DOS PERSONNEL (NUMBER)
 3.C.1.B.2.K (U) DHS PERSONNEL (NUMBER)
 3.C.1.B.2.L (U) USCIS PERSONNEL (NUMBER)
 3.C.1.B.2.M (U) CDC PERSONNEL (NUMBER)
 3.C.1.B.2.N (U) NGOS PERSONNEL (NUMBER)
 3.C.1.B.2.O (U) USAID PERSONNEL (NUMBER)
 3.C.1.B.2.P (U) IOM PERSONNEL (NUMBER)
 3.C.1.B.2.Q (U) IRC PERSONNEL (NUMBER)
 3.C.1.B.2.R (U) ARC PERSONNEL (NUMBER)
 3.C.1.B.2.S (U) FBI PERSONNEL (NUMBER)
 3.C.1.B.2.T (U) OTHER PERSONNEL (NUMBER)
 3.C.1.B.2.U (U) INTERPRETERS (NUMBER)

3.C.1.B.3. (U) CAPACITY PROJECTIONS. PROJECT THE DAILY CAPACITY AT EACH TASK FORCE TO SUPPORT AFGHAN EVACUEES (AE). SUBMIT PROJECTIONS ON A PER DAY BASIS OVER A ROLLING 14-DAY PERIOD. DAILY CAPACITY IS DEFINED AS THE TOTAL NUMBER OF AE PERSONNEL A LOCATION CAN SATISFACTORILY ACCOMMODATE. INCLUDE A LIMITING FACTOR NARRATIVE WITH EACH DAILY PROJECTION VALUE. THE NARRATIVE WILL DESCRIBE WHICH FACTORS LISTED IN PARA 3.C.1.B.2 RESTRICT ADDITIONAL CAPACITY EXPANSION. REPORT THE FOLLOWING INFORMATION VIA GEOPORTAL ARCGIS SURVEYS.
 READ IN TWO COLUMNS: CATEGORY (REPORTING VALUE)

3.C.1.B.3.A (U) DATE (YYYYMMDD)
 3.C.1.B.3.B (U) TASK FORCE (TEXT)
 3.C.1.B.3.C (U) PROJECTED AE CAPACITY (NUMBER)
 3.C.1.B.3.D (U) PROJECTED AE CAPACITY LIMITING FACTORS (TEXT)
 3.C.1.B.3.E (U) CURRENT AE CAPACITY ASSESSMENT (RED/AMBER/GREEN)
 3.C.1.B.3.E.1 (U) RED - CURRENT CAPACITY EXCEEDED
 3.C.1.B.3.E.2 (U) AMBER - CURRENT CAPACITY BETWEEN 95 AND 100%
 3.C.1.B.3.E.3 (U) GREEN - CURRENT CAPACITY LESS THAN 95% WITH NO HIGH RISK FACTOR

3.C.1.B.4. (U) EACH GEOPORTAL DASHBOARD AND/OR WEBPAGE WILL INCLUDE

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POINT OF CONTACT (POC) INFORMATION (PHONE AND EMAIL) FOR THE OFFICIAL RESPONSIBLE FOR MAINTAINING THE INFORMATION. THE POC SHOULD BE PREPARED TO ANSWER QUESTIONS ABOUT THE ACCURACY, TIMELINESS, SOURCING, AND FORMATTING ASSOCIATED WITH THEIR INFORMATION.

3.C.1.B.5. (U) GEOPORTAL TECHNICAL SUPPORT REQUIREMENTS SHALL BE ADDRESSED TO GEOPORTAL@SAGE.NORTHCOM.MIL AND NORTHCOMGEOPORTAL@ESRI.COM.

3.C.1.C. (CUI) BUILD OUT CAPACITY AT CAMP ATTERBURY, IN TO ACCOMMODATE SEVEN THOUSAND (7,000) AFGHAN PERSONNEL BY 11 SEP 21.

3.C.2. (U) JFACC/AFNORTH. NO CHANGE.

3.C.3. (U) JFMCC/NAVNORTH. NO CHANGE.

3.C.4. (U) COMMARFORNORTH. NO CHANGE.

3.C.5. (U) SOCNORTH. NO CHANGE

3.C.6. (U) ALCOM. NO CHANGE.

3.C.7. (U) JTF-NCR. NO CHANGE

3.D. (U) TASKS TO USNORTHCOM STAFF. CHANGE.

3.D.1. (U) HQ STAFF SHALL LEVERAGE THE JFLCC PROVIDED GEOPORTAL DATA TO THE MAXIMUM EXTENT POSSIBLE. ACCESSING DATA FROM ONE AUTHORITATIVE SOURCE WILL ENHANCE SITUATIONAL AWARENESS AND REDUCE NEEDLESS DUPLICATIVE EFFORTS. EFFICIENCIES REALIZED THROUGH THIS PARADIGM SHIFT WILL ALLOW US TO MAKE TIMELY DECISIONS AND ALLOW WARFIGHTERS TO FIGHT THE PROBLEM NOT BUILD THE BRIEF.

3.D.1.A. (U) OAW DATA IS AVAILABLE FOR REVIEW AT [HTTPS://WARPCORE.SPACEFORCE.MIL/](https://warpcore.spaceforce.mil/). ACCOUNT REGISTRATION IS REQUIRED. CLICK THE "PKI CERTIFICATE" BUTTON AND COMPLETE THE ACCOUNT REGISTRATION REQUEST. ONCE COMPLETE, CALL THE GEOAXIS HELP DESK AT (508)-622-5549 AND SELECT OPTION 2. ADVISE THE HELP DESK TECHNICIAN OF THE NEED TO ASSOCIATE YOUR NIPR EMAIL ADDRESS WITH YOUR RECENTLY CREATED GEOAXIS ACCOUNT. THE HELP DESK TECHNICIAN WILL ASK YOU TO PROVIDE YOUR DODID NUMBER AND YOUR NIPR EMAIL ADDRESS.

3.D.1.A.1. (U) CONTACT USNORTHCOM J6 INFO DOM OMB TO REQUEST ASSISTANCE WITH ACCOUNT REGISTRATION:
N-NC.PETERSON.N-NCJ6.MBX.INFORMATION-DOMINANCE-OMB@MAIL.MIL

3.D.1.B. (U) LEVERAGE THE POWER OF VISUALIZING REAL TIME INFORMATION FROM THE MULTITUDE OF DATA SETS ACROSS THE DEPARTMENT OF DEFENSE AND THE US GOVERNMENT WRIT LARGE. MOVING FORWARD, MANUAL DATA ENTRY SHOULD BE THE EXCEPTION, NOT THE NORM. DEPLOY SENSORS TO THE FIELD. LEVERAGE ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING. PROVIDE REQUIREMENTS TO THE J6 INFO DOM OMB LISTED IN PARA 3.D.1.A.1.

3.E. (U) TASKS TO SUPPORTING COMBATANT COMMANDS AND DEFENSE AGENCIES.

3.F. (U) COORDINATING INSTRUCTIONS. CHANGE.

3.F.1. (U) OHDACA FUNDING AUTHORITIES AND PROCESSES

3.F.1.A. (U) IN ACCORDANCE WITH THE SECDEF MEMO DATED AUGUST 24, 2021 AND SECDEF VOCD DATED AUGUST 28, 2021, CDRNORTHCOM IS AUTHORIZED TO PROVIDE HUMANITARIAN ASSISTANCE IN SUPPORT OF DOS WITHIN THE

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UNITED STATES THROUGH MARCH 15, 2022 PURSUANT TO TITLE 10, U.S.C., SECTION 2561. SPECIFICALLY, SECDEF DELEGATED TO CDRNORTHCOM THE AUTHORITY TO EXPEND OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID (OHDACA) FUNDS TO PROVIDE HUMANITARIAN ASSISTANCE IN THE UNITED STATES TO AFGHAN EVACUEES TO SUPPORT DOS IDENTIFIED REQUIREMENTS.

3.F.1.B. (U) THE OHDACA FUNDING PROVIDED UNDER THIS AUTHORIZATION IS PROVIDED DIRECTLY TO THE SERVICES FOR EXECUTION, SUBJECT TO THE FOLLOWING REQUIREMENTS.

3.F.1.C. (U) OHDACA FUNDING VALIDATION PROCESS. SERVICE COMPONENTS IN RECEIPT OF OHDACA FUNDING UNDER THIS AUTHORIZATION SHALL EXECUTE FUNDING ONLY AFTER RECEIPT OF A SPECIFIC REQUEST FROM DOS, BASED ON HUMANITARIAN REQUIREMENTS, AND VALIDATED BY DOS BUREAU OF POPULATIONS, REFUGEES, AND MIGRATION (PRM) (POC INFORMATION PROVIDED SEPCOR). THE REQUEST AND VALIDATION SHALL BE DOCUMENTED VIA AN INTERAGENCY SUPPORT REQUEST (IASR) OR OTHER DOCUMENTATION WITH A SIMILAR LEVEL OF DETAIL. SERVICE COMPONENTS SHALL PROVIDE A COPY OF ALL COMPLETED DOS REQUESTS VALIDATED BY PRM AND SUPPORTING DOCUMENTATION, PRIOR TO EXECUTION, TO THE USNORTHCOM FOREIGN HUMANITARIAN ASSISTANCE (FHA) PROGRAM, N-NC.PETERSON.N-NCJ4.MBX.J49-OMB@MAIL.MIL, FOR REVIEW.

3.F.1.D. (U) OHDACA RECORDKEEPING AND REPORTING. SERVICE COMPONENTS EXECUTING OHDACA FUNDING UNDER THIS AUTHORIZATION SHALL KEEP RECORDS OF ALL SUPPORT PROVIDED PURSUANT TO THIS AUTHORIZATION, TO INCLUDE ALL DOS REQUESTS VALIDATED BY PRM AND SUPPORTING DOCUMENTATION. SERVICE COMPONENTS SHALL ALSO PROVIDE A COPY OF ALL EXECUTED DOS REQUESTS VALIDATED BY PRM AND SUPPORTING DOCUMENTATION AS WELL AS WEEKLY FLASH COST REPORTS TO THE USNORTHCOM FHA PROGRAM, N-NC.PETERSON.N-NCJ4.MBX.J49-OMB@MAIL.MIL, IN ACCORDANCE WITH OUSD (C) MEMO DATED AUGUST 19, 2021 REFERENCE PARAGRAPH 4.C.1.C.

3.F.1.E. (U) LIMITATIONS ON USE. THE USE OF OHDACA FUNDING IS LIMITED TO HUMANITARIAN ASSISTANCE AND SUBJECT TO OTHER RESTRICTIONS. THE SECDEF MEMO INCLUDES EXAMPLES OF ACTIVITIES THAT ARE CONSIDERED HUMANITARIAN ASSISTANCE AS WELL AS EXAMPLES OF ACTIVITIES THAT ARE TYPICALLY NOT AUTHORIZED. SECDEF MEMOS AVAILABLE ON N&NC OAW OPEX PORTAL ([HTTPS://PORTAL.NORADNORTHCOM.MIL/FUNCTIONS/OPERATIONS/OPEX/SITEPAGES/ALLIESWELCOME.ASPX](https://portal.noradnorthcom.mil/functions/operations/oex/sitepages/allieswelcome.aspx)). FOR ASSISTANCE WITH DETERMINING THE APPROPRIATE USE OF OHDACA FUNDING CONTACT THE USNORTHCOM FHA PROGRAM, N-NC.PETERSON.N-NCJ4.MBX.J49-OMB@MAIL.MIL, AND MR. JOE WEBB, DEFENSE SECURITY COOPERATION AGENCY, JOSEPH.M.WEBB.CIV@MAIL.MIL.

GENTEXT/ADMIN AND LOG/

4. (U) ADMINISTRATION AND LOGISTICS.

4.A. (U) TRANSPORTATION. NO CHANGE.

4.B. (U) FORCE DEPLOYMENT DATA. NO CHANGE.

4.C. (U) FUNDING. CHANGE.

4.C.1 (U) FUNDING. USNORTHCOM WILL NOT PROVIDE FUNDING. THIS SUPPORT WILL BE PROVIDED UNDER PRESIDENTIAL DRAWDOWN AUTHORITY (PARA 4.C.1.A) TO THE MAXIMUM EXTENT POSSIBLE. SUPPORT THAT CANNOT BE PROVIDED USING DRAWDOWN AUTHORITY WILL BE PROVIDED ON A FULLY REIMBURSABLE BASIS IN ACCORDANCE WITH SECTION 1535 OF TITLE 31, U.S. CODE, THE ECONOMY ACT (PARA 4.C.1.B), OR, IF NECESSARY, USING LEGALLY AVAILABLE

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AUTHORITIES IF THE ABOVE RESOURCES ARE INSUFFICIENT (E.G., AS HUMANITARIAN ASSISTANCE UNDER 10 U.S.C. 2561, AS PREVIOUSLY APPROVED SUPPORT WITHIN THE UNITED STATES, PARA 4.C.1.C.). EVERY EFFORT WILL BE MADE BY DOD SERVICES AND AGENCIES TO SEEK REIMBURSEMENT AS ONLY THE SECRETARY OF DEFENSE (SECDEF) MAY WAIVE REIMBURSEMENT FROM A LFA.

4.C.2. (U) IN ADVANCE OF AN APPROVED REIMBURSABLE ORDER FROM THE LFA, UNITS SUPPORTING CDRUSNORTHCOM WILL FUND OPERATIONS FROM CURRENT FISCAL YEAR APPROPRIATIONS PROVIDED IN DIRECT BUDGET AUTHORITY. THESE COSTS, NOT ALREADY INCLUDED UNDER PRESIDENTIAL DRAWDOWN AUTHORITY, ARE LIMITED TO THOSE ITEMS REQUESTED FROM THE LFA AND ELIGIBLE FOR REIMBURSEMENT UNDER THE ECONOMY ACT. THE FOLLOWING AUTHORITIES ARE AVAILABLE FOR THIS CONTINGENCY: PRESIDENTIAL DRAWDOWN AUTHORITY (NON-REIMBURSABLE) AND ECONOMY ACT (REIMBURSABLE FROM LFA WITH APPROVED AGREEMENT).

4.C.2.A. (U) PRESIDENTIAL DRAWDOWN AUTHORITY AS DESCRIBED IN THE FOREIGN ASSISTANCE ACT 506(A)(1)[(22 USC 2318(A)(L))]. DOD IS CAPPED AT EXECUTING \$75 MILLION PER FISCAL YEAR (AS MANAGED BY DSCA). COSTS ALLOWED UNDER THIS AUTHORITY ARE EXISTING INVENTORIES AND RESOURCES (I.E., MILITARY PAY AND ALLOWANCES, SUPPLIES AND EQUIPMENT) AND EXCEPT FOR TRANSPORTATION AND RELATED SERVICES WHERE NEW CONTRACTS WOULD COST LESS THAN PROVIDING SUCH SERVICES WITH DOD ASSETS, NEW PROCUREMENT IS NOT AUTHORIZED FOR DRAWDOWNS AND NO NEW FUNDS MAY BE PLACED ON EXISTING CONTRACTS.

4.C.2.B. (U) ECONOMY ACT (31 U.S.C. 1535) REIMBURSEMENT IS AVAILABLE ON A LIMITED BASIS FOR THOSE COSTS DIRECTLY ASSOCIATED WITH THIS OPERATION AS REQUESTED BY THE LFA. FOR ALL SUPPORT RENDERED BY DOD TO LFA UNDER THE TERMS OF THE ECONOMY ACT AND WITHIN THE APPROVED AGREEMENT, UNITS WILL ACCURATELY CAPTURE TOTAL COSTS FOR ADDITIONAL REPORTING REQUIREMENTS.

4.C.2.C. (U) COST TRACKING AND REPORTING, COSTS WILL BE CAPTURED USING UNIQUE SPECIAL PURPOSE CODES AND REPORTED TO SERVICE/AGENCY COMPTROLLERS. UNITS SHOULD ALSO CONSULT ANY SERVICE OR AGENCY SPECIFIC GUIDANCE FOR COST ACCUMULATION/REPORTING.
REF: OUSD(C) SIGNED MEMO, DOD SUPPORT TO DEPARTMENT OF STATE FOR AFGHAN SPECIAL IMMIGRATION VISA (SIV) APPLICANTS, DATED 19 AUG 2021. DOD COMPONENTS SHALL PROVIDE WEEKLY FLASH REPORTS FOR ALL ASSOCIATED DIRECT AND REIMBURSABLE COSTS, TO INCLUDE MILITARY PERSONNEL COSTS, IN THE CONTINENTAL UNITED STATES (CONUS) AND BY AUTHORITY (HUMANITARIAN ASSISTANCE (10USC 2561), PRESIDENTIAL DRAWDOWN (SECTION 506(A)(2) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, THE ECONOMY ACT, AND ANY OTHER APPLICABLE AUTHORITY) UNTIL FURTHER NOTICE. THIS GUIDANCE IS EFFECTIVE IMMEDIATELY. REPORTS WILL BE SUBMITTED WEEKLY ON WEDNESDAYS NLT 1500 EST TO MS BARBARA BUTEAU-PIERRE, OUSD(C), BARBARA.BUTEAU-PIERRE.CIV@MAIL.MIL, MR LEE WARD, DFAS, LEE.A.WARD.CIV@MAIL.MIL, USNORTHCOM FMAT OMB, N-NC.PETERSON.N-NCJ8.LIST.DSCA-FMAT-OPERATIONS-DL@MAIL.MIL AND USNORTHCOM J49, N-NC.PETERSON.N-NCJ4.MBX.J49-OMB@MAIL.MIL.

4.C.3. (U) UPON TASKING, THE ORGANIZATION FINANCIAL MANAGER, AS DEFINED BY SERVICE GUIDANCE, WILL IMMEDIATELY CONTACT THEIR MILITARY SERVICE COMPTROLLER (SEE PARAGRAPHS BELOW) FOR ADDITIONAL GUIDANCE ON SPECIFIC SERVICE OR AGENCY REIMBURSEMENT PROCEDURES OR ADDITIONAL FUNDING FOR OPERATIONS.

4.C.3.A. (U) ARMY - USARNORTH G8 REIMBURSEMENT CELL (ARC); PHONE (210) 221-0112; OR EMAIL AT USARMY.ARNORTH.LIST.ROC@MAIL.MIL. PER DEPARTMENT OF THE ARMY FINANCIAL MANAGEMENT GUIDANCE FOR DISASTER RELIEF OPERATIONS, DATED 14 FEB 14, USARNORTH IS THE ARMY'S EXECUTIVE

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AGENT FOR DOMESTIC DISASTER RELIEF OPERATIONS AND, IN THIS CAPACITY, WILL HAVE FINANCIAL MANAGEMENT OVERSIGHT OF ALL REIMBURSABLE SUPPORT REQUESTED BY ANOTHER FEDERAL AGENCY AND TASKED TO ARMY COMMANDS.

4.C.3.B. (U) AIR FORCE - DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (BUDGET) (SAF/FMB); PHONE [REDACTED]

4.C.3.C. (U) NAVY - ASSISTANT SECRETARY OF THE NAVY (FINANCIAL MANAGEMENT & COMPTROLLER) [REDACTED]

4.C.3.D. (U) USMC - DEPUTY COMMANDANT FOR PROGRAMS AND RESOURCES (BUDGET EXECUTION, RFE); [REDACTED]

4.C.3.E. (U) NATIONAL GUARD BUREAU - NATIONAL GUARD BUREAU/J83 FISCAL STEWARDSHIP AND RESOURCE OVERSIGHT DIVISION; PHONE [REDACTED] OR EMAIL AT [REDACTED]

4.C.3.F. (U) ALL OTHER DSCA RELATED FINANCIAL MANAGEMENT QUESTIONS SHOULD BE DIRECTED TO THE USNORTHCOM/J83 FMAT ELEMENT; PHONE [REDACTED]

4.C.4. (U) SERVICE COMPTROLLERS WILL COORDINATE WITH USNORTHCOM J83 REIMBURSEMENT CELL (NRC) TO PROVIDE TASKED DOD ORGANIZATIONS WITH INFORMATION/GUIDANCE REGARDING SPECIFIC REIMBURSEMENT REQUIREMENTS, COST CAPTURING, REPORTING, AND BILLING.

4.D. (U) INSTALLATION SUPPORT. NO CHANGE.//

GENTEXT/COMMAND AND SIGNAL/

5. COMMAND AND SIGNAL.

5.A. (U) COMMAND. NO CHANGE.

5.B. (U) SIGNAL/POINTS OF CONTACT.

5.B.1. (U) MESSAGE POC. USNORTHCOM J33 CURRENT OPERATIONS DIVISION:

[REDACTED]

5.B.2. (U) ARNORTH (JFLCC) JOC (24/7): DSN TEL: 471-0037/1513 COMM

[REDACTED]

5.B.3. (U) N2C2 LAND DOMAIN: DSN TEL: 692-2359 COMM TEL:

[REDACTED]

GENTEXT/AUTHENTICATION/USNORTHCOM J3 OFFICIAL: MAJ GEN HUYCK, USAF, DIRECTOR OF OPERATIONS//

AKNLDG/YES//

BT

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Received from AUTODIN 060228Z Sep 21

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Enclosure 15

(SBU)/(CUI) Action Memo, 24 August, 2021,
DOD Transportation and Domestic Support to
DOS for additional 55,000 Afghan individuals

ACTION MEMODepSec Action _____
ASD Walsh _____

FOR: SECRETARY OF DEFENSE

FROM: Colin H. Kahl, Under Secretary of Defense (Policy)

SUBJECT: (CUI) DoD Transportation and Domestic Support to the Department of State for U.S. Citizens, Afghan Special Immigrant Visa Applicants, Their Families, and Other Individuals at Risk

PURPOSE: (CUI) To obtain your approval of DoD support to the Department of State (DOS) for transportation support and temporary housing, sustainment, and support in the United States for U.S. citizens, Afghan Special Immigrant Visa (SIV) applicants, their families, and other individuals at risk.**DISCUSSION:**

- On August 15, 2021, in response to a request from DOS, you approved Fort Bliss, Texas, and Fort McCoy, Wisconsin, as DoD installations to house up to 22,000 Afghan SIV applicants, their families, and other individuals at risk.
- (CUI) DOS requests further assistance, on a non-reimbursable basis, for transportation, temporary housing, sustainment, and medical support of up to 50,000 eligible persons in the United States on a temporary basis while multi-agency medical, security, and administrative processing is completed before onward transportation (TAB C). Beginning on or about August 21, 2021, DoD would provide:
 - (CUI) Transportation for a range of individuals at risk, including but not limited to Afghan SIV principal applicants and eligible family members, locally employed staff and their eligible family members, and others at risk to third countries and/or the United States.
 - (CUI) Transportation from the port of entry to the location of the accommodations.
 - (CUI) Adequate accommodation for individuals and families (with adequate heating and/or cooling and adequate space and privacy suitable for individuals as well as families).
 - (CUI) Wrap-around services, including adequate food that is culturally appropriate, water, bedding, face masks, and toiletries.
 - (CUI) Medical services necessary for adjustment of immigration status, non-emergency medical care, and emergency care (e.g., life, limb, and eyesight).

SD CA		DSD SA	
SD SMA		DSD SMA	<input checked="" type="checkbox"/>
SD MA		DSD MA	
CoS		DSD CA	
SD Action Grp		DSD CoS	
ES	WH 8/23	ESB Rvw	MLS 8/23
ESR		ESD	

Controlled by: USDP
Controlled by: ASD(HD&GS)
CUI Category: Deliberative
Distribution/Dissemination Controls: FEDCON
[REDACTED]

- (CUI) Space for religious services, recreational activities, and other requirements such as assisted acquisition, local transportation support, and information technology.

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- (CUI) Space for administrative activities and interviews.
- (CUI) Access to the installation for DOS-identified Federal employees, contractor personnel, humanitarian organization personnel and other personnel.
- (CUI) Public affairs support (understood as a request for space and support for a DOS-led public affairs cell).
- (CUI) Requested DoD support does not include detention or custody of any individuals, but installation commanders retain the authority to maintain good order and discipline on DoD installations while supporting DOS. Access to the installation by other personnel will be subject to the prior approval of the installation commander.
- (CUI) Commander, USNORTHCOM, is coordinating directly with DOS, the Department of Homeland Security (DHS), and the Department of Health and Human Services (HHS) to synchronize DoD support consistent with law and DoD's ability to support.
- (CUI) The Joint Staff and the Department of the Air Force have identified Joint Base McGuire-Dix-Lakehurst (JBMDL), New Jersey, as the first recommended location for providing this expanded temporary housing support.
- (CUI) Together, JBMDL (up to 8,500 individuals), previously approved locations of Fort Bliss, Texas (up to 10,000 individuals), and Fort McCoy, Wisconsin (up to 13,000 individuals), and other locations that are yet to be identified, will be capable of housing 50,000 individuals. Fort Lee, Virginia, remains available and has a current capacity to house approximately 1,700 Afghan SIV applicants and families.
- Section 2815 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 provides that the Secretary of Defense shall not sign a memorandum of agreement with another Federal agency to provide the agency with a vacant facility for purposes of temporary housing support unless the Secretary first submits to the Committees on Armed Services of the House of Representatives and Senate a certification that the provision of the facility to the agency for such purpose will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.
 - (CUI) The Secretary of the Air Force has advised that the use of vacant land and facilities at JBMDL would not negatively affect military training, operations, readiness, or other military requirements.
- (CUI) The Military Departments should issue permits to DOS for use of identified vacant lands and facilities to enable construction activities (e.g., land improvement, utilities work) that are necessary to support DOS in the housing and sustainment of Afghan migrants.
- (CUI) In order for DoD to quickly respond to this and future requests for assistance, the memo at TAB F would direct the Secretaries of the Military Departments to identify, and approve use of, additional military installations to meet this and future DOS requests for temporary housing support to the Commander, USNORTHCOM. Commander, USNORTHCOM would approve use of these Military Department-identified installations in support of DOS requests for temporary housing support.



- The Secretaries of the Military Departments will identify military installations sufficient to house the following number of individuals: Army (10,000), Navy (10,000), and Air Force (5,000). This information is to be provided to the Joint Staff and the Commander, USNORTHCOM, as soon as possible, but no later than 1600 EDT August 23, 2021.
- (CUI) The Secretaries of the Military Departments also will provide you their determinations (using the template at TAB D) that the provision of their installation property and facilities to DOS will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.
- (CUI) You would then use the Military Department Secretary's determination as the basis for your certification to Congress under Section 2815 of the NDAA for FY 2017.
- (CUI) The use of facilities identified by the Military Department Secretaries will be contingent on your submission of such a certification.
- (CUI) To expand DoD's ability to respond to this and future DOS requests for land and facilities to support DOS temporary housing operations, you may authorize the U.S. Army Corps of Engineers (USACE), to identify, contract for, and establish private sector facilities, on behalf of and at the request of DOS.
 - This includes authorization to contract or lease for DOS use the Dulles Expo Center in Chantilly, Virginia, which DOS has requested as a location to process individuals at risk arriving in the United States.
- This support will be provided under Presidential Drawdown Authority to the maximum extent possible. Support that cannot be provided using drawdown authority, such as entering into contracts or leases for commercial housing, will be provided on a fully reimbursable basis in accordance with Section 1535 of Title 31, U.S. Code (the Economy Act), or, if the above resources are insufficient, using legally available DoD authorities (e.g., to provide humanitarian assistance under 10 U.S.C. 2561, as previously approved for support within the United States).
 - On August 18, 2021, you approved use of 10 U.S.C. 2561 and up to \$100 million in associated Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) funding to provide temporary domestic housing support in the United States. Up to an additional \$100 million in OHDACA funds may be necessary to support this expanded DOS request.

RECOMMENDATION #1: (CUI) Approve DoD transportation and temporary housing support to DOS as described above, and authorize the Executive Secretary to sign the reply memorandum at TAB A.

Approve: *LSM* Disapprove: _____ Other: _____

RECOMMENDATION #2: (CUI) Approve the use of JBMDL to provide temporary housing in response to this DOS request for assistance.



Approve: BM Disapprove: _____ Other: _____

RECOMMENDATION #3: Sign the letter at TAB B certifying to the Committees on Armed Services of the House of Representatives and Senate that the provision of the land and facilities at JBMDL will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.

Approve: BM Disapprove: _____ Other: _____

RECOMMENDATION #4: (CUI) Sign the memorandum at TAB F directing the Secretaries of the Military Departments, in coordination with Commander, USNORTHCOM, to identify sufficient additional military installations to meet this and future DOS requests for temporary housing support and delegating to the Commander, USNORTHCOM, the authority to approve future DOS requests for temporary housing support using the facilities and land identified by the Secretaries of the Military Departments.

Approve: BM Disapprove: _____ Other: _____

RECOMMENDATION #5: (CUI) Direct the Secretary of the Air Force to permit the necessary property and facilities at JBMDL to DOS to enable DoD to engage in any necessary construction activities in support of DOS.

Approve: BM Disapprove: _____ Other: _____

RECOMMENDATION #6: (CUI) Authorize USACE, to identify, contract for, and establish private sector alternative housing facilities for temporary housing operations on behalf of DOS.

Approve: BM Disapprove: _____ Other: _____

RECOMMENDATION #7: Approve the use of no more than an additional \$100 million in OHDACA funds, for a total no more than of \$200 million, to provide humanitarian assistance within the United States and sign the memorandum to Commander, U.S. Northern Command, at TAB E.

Approve: BM Disapprove: _____ Other: _____

COORDINATION: G

Attachments:

TAB A: ExecSec Reply to DOS

TAB B: Section 2815 Certification

TAB C: DOS Request for Assistance (Dated August 20, 2021)

TAB D: Secretaries of the Military Departments Determination Template

TAB E: Memorandum to CDRUSNORTHCOM

TAB F: Memorandum to Secretaries of the Military Departments

TAB G: Coordination

Prepared by: James Ross, OUSD(P)/HDI&DSCA
Phone Number: (571) 256-8325

CUI



OSD007648-21/CMD009967-21

TAB

A



OFFICE OF THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1000

AUG 24 2021

MEMORANDUM FOR EXECUTIVE SECRETARY, DEPARTMENT OF STATE

SUBJECT: Request for Assistance for Transportation and Temporary Housing, Sustainment, and Support for U.S. Citizens, Afghan Special Immigration Visa Applicants, and Other Individuals at Risk

Thank you for your August 20, 2021 memorandum requesting assistance for transportation, temporary housing, sustainment, and support for Afghan SIV applicants, their families, and other individuals at risk.

The Secretary of Defense has approved your request for DoD to provide to the Department of State (DOS) transportation and temporary housing, sustainment, and support inside the United States for Afghan SIV applicants, their families, and other individuals at risk. DoD will provide support for up to 50,000 individuals at suitable facilities, in permanent or temporary structures, as quickly as possible. Support will be provided on DoD installations and potentially through the use of assisted acquisition for the use of non-DoD land and facilities.

Commander, U.S. Northern Command (USNORTHCOM), will continue coordination with DOS, the Department of Homeland Security (DHS), and the Department of Health and Human Services (HHS) to obtain additional information as needed to ensure that DoD provides the appropriate support.

Commander, USNORTHCOM, in coordination with DOS, DHS, HHS, the Under Secretary of Defense for Policy, the Under Secretary of Defense for Acquisition and Sustainment, the Chairman of the Joint Chiefs of Staff, and the U.S. Army Corps of Engineers will have the operational flexibility to examine innovative solutions to address capability shortfalls in an efficient, effective, lawful, and mission-enhancing manner.

This support will be provided using resources made available under the Presidential Drawdown Authority to the maximum extent possible. Support that cannot be provided using such resources will be provided on a fully reimbursable basis in accordance with title 31, U.S.C., section 1535 (the Economy Act), or, if necessary, using legally available DoD authorities if the above resources are insufficient. DoD requests DOS provide an advance payment of \$100 million to ensure timely initiation of support.

The DoD point of contact for domestic support activities is Deputy Assistant Secretary of Defense Heather King, at [REDACTED].

A handwritten signature in blue ink, reading "Kelly Bulliner Holly", is positioned above the typed name.

Kelly Bulliner Holly
Executive Secretary

TAB

B



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

The Honorable Jack Reed
Chairman
Committee on Armed Services
United States Senate
Washington DC 20510

Dear Mr. Chairman:

Consistent with section 2815 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), I am providing certification that the provision of Department of Defense facilities at Joint Base McGuire-Dix-Lakehurst, for temporary use by the Department of State to house Afghan Special Immigrant Visa applicants, their families, and other individuals at risk, will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.

I am sending an identical letter to the Chairman, Committee on Armed Services of the U.S. House of Representatives.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert P. Ousterhout", is located below the "Sincerely," text.

cc:
The Honorable James M. Inhofe
Ranking Member



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

The Honorable Adam Smith
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Consistent with section 2815 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), I am providing certification on behalf of the Secretary of Defense that the provision of Department of Defense facilities at Joint Base McGuire-Dix-Lakehurst, for temporary use by the Department of State to shelter Afghan Special Immigrant Visa principal applicants, their families, and other individuals at risk, will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.

I am sending an identical letter to the Chairman, Committee on Armed Services of the United States Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Buntz", is located below the "Sincerely," text.

cc:

The Honorable Mike D. Rogers
Ranking Member

TAB

C



United States Department of State

Washington, D.C. 20520

www.state.gov

August 20, 2021

SENSITIVE BUT UNCLASSIFIED

MEMORANDUM FOR MS. KELLY BULLINER HOLLY
EXECUTIVE SECRETARY
DEPARTMENT OF DEFENSE

SUBJECT: (SBU) Request for Assistance for Transportation and Temporary Housing, Sustainment, and Support for U.S. citizens, Afghan Special Immigrant Visa (SIV) Applicants and Other Individuals at Risk

(SBU) The rapid takeover of Afghanistan by the Taliban has put Afghan nationals who supported the U.S. military mission and the U.S. government at grave risk. In a July 17, 2021, Executive Secretary memorandum, the Department of State requested that the Department of Defense (DoD) provide emergency housing, sustainment, and support for Afghan SIV applicants and their families at locations inside the United States (CONUS) and outside the United States (OCONUS). In an August 14, 2021, Executive Secretary memorandum, the Department of State requested further assistance from DoD for transportation and temporary housing, sustainment, and support for Afghan SIV applicants and family members as well as other individuals at risk as a result of the situation in Afghanistan.

(SBU) The Department of State now requests further assistance from DoD on a non-reimbursable basis for transportation for eligible persons and temporary housing, sustainment, and support for Afghan SIV principal applicants and family members as well as other individuals at risk as a result of the situation in Afghanistan.

(SBU) The Department of State requests that DoD provide transportation for a range of individuals at risk, including but not limited to Afghan SIV principal applicants and their eligible family members, locally employed staff and their

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SENSITIVE BUT UNCLASSIFIED

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eligible family members and others at risk as a result of the situation in Afghanistan, to third countries and/or the United States due to the deteriorating security environment and limited or no commercial or contract transportation options from Kabul and no viable land routes to neighboring countries.

(SBU) CONUS Assistance: The Department of State requests that DoD provide temporary housing, sustainment, and support for Afghan SIV principal applicants and their families, and potentially other individuals at risk, for up to 50,000 people, or potentially more as the situation evolves, at suitable facilities in CONUS. The Department of State requests that identified facilities be capable of housing up to 50,000 people, or potentially more as the situation evolves.

(SBU) Beginning on or about August 21, 2021, for CONUS locations the Department of State requests that DoD provide transportation from the port of entry to the location of the accommodations; adequate accommodation for individuals and families (with adequate heating and/or cooling and adequate space and privacy suitable for individuals as well as families); sustainment (e.g., adequate food that is culturally appropriate, water, bedding, face masks, toiletries) and other support (including but not limited to providing the medical services necessary for adjustment of immigration status). The Department of State requests space for religious services, recreational activities, and other requirements such as assisted acquisition, local transportation support, and information technology support for Afghan SIV principal applicants and their families and other individuals at risk, as well as space for administrative activities, interviews, and installation access for non-Federal employees such as contractors, and personnel of international organization, nongovernmental organizations, and other entities, and public affairs support).

(SBU) The Department of State will coordinate with DoD, the Department of Homeland Security, the Department of Health and Human Services, and other applicable Departments and Agencies to process Afghan SIV principal applicants and their families and other individuals at risk for onward travel from these temporary locations as quickly as possible.

(SBU) The Department of State requests that DoD use Presidential Drawdown Authority and such other authorities as may be available to DOD for the support requested to the maximum extent possible. The Department of State also has applicable authorities to support the requirements of this effort and is prepared to work with DOD to agree on appropriate reimbursable arrangements to the extent necessary. The Department of State will also work with the Office of Management

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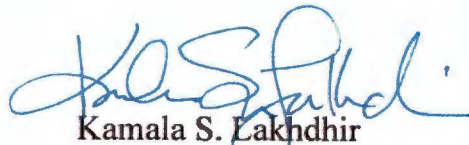
-3-

and Budget and all applicable Departments and Agencies to identify other appropriate authorities and sources of funding from such Departments and Agencies.

(U) The Department of State's Office of the Legal Adviser has cleared this request.

[(U) The Department of State point of contact for this request is [REDACTED]
[REDACTED]

(U) The DoD point of contact is [REDACTED] OUSD Policy, [REDACTED]
[REDACTED].


Kamala S. Lakhdhir
Executive Secretary

SENSITIVE BUT UNCLASSIFIED

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TAB
D

[Military Department Letterhead]

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Department of the [Insert Military Department Name] Notification of Use of [Name of Installations] to Provide Domestic Support to the Department of State for Afghanistan Special Immigration Visa Applicants, their Families, and Other Individuals at Risk and Determination that Use of Facilities and Land Will Not Negatively Impact Readiness

Consistent with your prior delegation to the Military Department Secretaries to identify and provide land and facilities to the Department of State (DOS) for Afghanistan Special Immigration Visa applicants, their Families, and Other Individuals at Risk, I am notifying you that the Department of the [Military Department] has approved the use of [Installation's Name] by DOS.

I have determined that the provision of Department of the [XXXXXX] facilities and land at XXXX XXXX, XX for temporary use by the Department of State to house Afghan Special Immigrant Visa applicants, their families, and other individuals at risk will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness. This determination has been coordinated with tenant Military Services at XXXX XXXX, XX.

cc:

[Military Departments this memo was coordinated with]

TAB E



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

MEMORANDUM FOR COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Authorization to Provide Support to Department of State Through Provision of Humanitarian Assistance in the United States to Afghan Special Immigration Visa Applicants, Their Families, and Other Individuals at Risk

Pursuant to title 10, U.S.C., section 2561, you are authorized to provide humanitarian assistance in support of Department of State (DOS) within the United States through March 15, 2022. This is in addition to my previous authorization on July 18, 2021, for such domestic support. The Under Secretary of Defense for Policy may authorize an extension of this support.

I hereby delegate to Commander, U.S. Northern Command (CDRUSNORTHCOM), the authority to expend no more than an additional \$100 million of Overseas Humanitarian, Disaster, and Civic Aid funds, i.e., no more than \$200 million total, to provide humanitarian assistance within the United States to Afghan Special Immigration Visa (SIV) applicants, their accompanying family dependents, and other individuals at risk to support DOS-identified requirements on a non-reimbursable basis. Presidential Drawdown authority, under section 506(a)(2) of the Foreign Assistance Act of 1961, should also be used to the maximum extent possible.

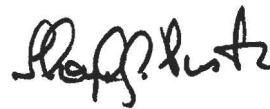
If a site to be prepared for housing is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants and other individuals at risk. Any site preparation construction activities must be undertaken on the area provided to DOS and may be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk. DOS will supervise and conduct activities related to the processing of SIV applicants, their families, and other individuals at risk.

U.S. Northern Command activities are to be carried out only in response to specific requests from DOS, based on humanitarian requirements, and validated by the DOS Bureau of Populations, Refugees, and Migration (PRM). U.S. Northern Command will establish a process with DOS/PRM for validating requirements, in coordination with the Office of the Under Secretary of Defense for Policy, Special Operations and Low-Intensity Conflict, Stability and Humanitarian Affairs; the DoD Office of General Counsel; and the Defense Security Cooperation Agency (DSCA), to ensure legal and policy requirements are met. See the Addendum for examples of activities that are considered humanitarian assistance.

I also delegate to CDRUSNORTHCOM, the authority pursuant to section 2561 to transport non-DoD relief supplies and non-DoD personnel on DoD aircraft on a non-reimbursable basis for humanitarian requirements as identified by DOS.

CDRUSNORTHCOM is required to keep records of all support provided pursuant to this authorization and is required to submit expenditure reports of incremental costs incurred in accordance with DoD 7000.14-R, "Financial Management Regulation," Volume 12, Chapter 23,

and as prescribed by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, the Under Secretary of Defense (Comptroller), and the Director, DSCA.

A handwritten signature in black ink, appearing to read "Rafferty".

cc:
CJCS
USD(P)
USD(C)
GC
Director, DSCA

ADDENDUM:

Examples of activities that are considered humanitarian assistance:

- Provision of temporary shelter, including site preparation construction activities. If the site to be prepared is located on an existing military installation, before undertaking any site preparation construction activities, DoD will first provide DOS a permit authorizing use of the area to house Afghan SIV applicants, their families, and other individuals at risk. Any site preparation construction activities will be undertaken on the area provided to DOS and will be undertaken only to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk.
- Provision or construction of temporary health facilities.
- Provision of medical supplies (kits, personal protective equipment, syringes, etc.).
- Provision of medical equipment (including diagnostics and testing).
- Provision and/or construction of temporary shelters (e.g., prefab or tents).
- Provision of kitchen supplies for dining facilities at temporary housing facilities.
- Provision of winterized clothing, blankets, and beds.
- Provision of small to medium-sized generators.
- Provision of potable water (including via trucks and water purification systems).
- Provision of hygiene facilities/latrines.
- Provision of ambulances/fire response vehicles.
- Laying gravel in and around a temporary housing camp for health purposes.
- Provision of food (DoD provision of food is typically limited to urgent requirements; DOS/PRM, the U.S. Agency for International Development, and the World Food Program should meet long-term requirements).

If the following activities are contemplated, consult with the Office of the Under Secretary of Defense for Policy and the Office of DoD General Counsel:

- Provision of non-humanitarian goods and services.
- Any support to administration or enforcement of immigration laws, regardless of location.
- Provision of supplies or equipment that will remain with partner security forces (including tents, generators, food, medical facilities, etc.).
- Support to camp law enforcement, detention, or security functions.
- Military construction.
- Provision of vocational education.

TAB

F



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDER, U.S. NORTHERN COMMAND**

SUBJECT: Delegation of Authority to Approve Department of State Requests for Temporary Housing Support for Afghan Special Immigrant Visa Principal Applicants, Their Families, and Potentially Other Afghans at Risk

In order for the Department of Defense (DoD) to respond quickly to current and future requests by the Department of State (DOS) for temporary housing assistance inside the United States, I direct the Secretaries of the Military Departments to identify and, subject to the determination and certification requirement below, approve the use of sufficient additional land and facilities on military installations to meet the attached and future DOS requests for temporary housing support for Afghan Special Immigrant Visa (SIV) applicants, their families, and other individuals at risk (collectively, "individuals at risk"). The Secretaries of the Military Departments are to do so in coordination with Commander, U.S. Northern Command (USNORTHCOM), who is responsible for synchronizing DoD support to DOS.

By 1600 EDT August 23, 2021, the Secretaries of the Military Departments will provide to the Joint Staff and Commander, USNORTHCOM, a list of military installations that may be made available to house the following number of individuals: Army (10,000), Navy (10,000), Air Force (5,000).

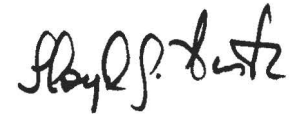
The DoD Executive Secretary will send future DOS requests to Commander, USNORTHCOM, to work with the Secretaries of the Military Departments to identify and make available for temporary housing support additional land and facilities as required. The Commander, USNORTHCOM is hereby delegated authority to approve future DOS requests for temporary housing support for individuals at risk inside the United States consistent with law and DoD's ability to support. The Commander, USNORTHCOM, may approve such requests using such installations identified by the Secretaries of the Military Departments. The Commander USNORTHCOM, may expend up to \$200M in Overseas Humanitarian, Disaster and Civic Aid funding for these purposes.

Before undertaking any site preparation construction activities, the relevant Military Department should first provide DOS a permit authorizing use of the area to house Afghan SIV applicants and other individuals at risk. Any site preparation construction activities must be undertaken on the area provided to DOS and may only be undertaken to meet humanitarian requirements identified by DOS for purposes of temporarily housing the Afghan SIV applicants and other individuals at risk.

Approved DoD support does not include detention or custody of individuals at risk, but installation commanders retain the authority to maintain good order and discipline on DoD installations while supporting DOS. Access to the installation by personnel other than DOS-

identified Federal employees, contractors, or humanitarian assistance organizations should be subject to the prior approval of the installation commander.

Section 2815 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 provides that the Secretary of Defense shall not sign a memorandum of agreement with another Federal agency to provide the agency with a vacant facility for purposes of temporary housing support unless the Secretary first submits to the Committees on Armed Services of the House of Representatives and Senate a certification that the provision of the facility to the agency for such purpose will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness. For each installation the Secretary of the Military Department concerned decides to make available in connection with this delegation, the Secretary of the Military Department concerned must determine and inform me that the provision of their installation property and facilities to DOS will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness. I will use that determination as the basis of my certification to Congress under section 2815 of the NDAA for FY 2017. The use of facilities identified by the Military Department Secretaries will be contingent on my submission of such a certification.



Attachment:
As stated

TAB

G

Policy Coordination Sheet

Subject: DoD Domestic Support to Department of State for Afghan Special Immigrant Visa
Principal Applicants and Family Members

Control Number: N/A

Title/Organization	Name	Coordination Requested	Coordination Received
USD(C)/CFO	HON Michael McCord	August 20, 2021	August 21, 2021
OGC	Ms. Caroline Krass	August 20, 2021	August 21, 2021
Joint Staff	RADM George Wikoff	August 20, 2021	August 20, 2021

Enclosure 16

USNORTHCOM FRAGO 182.026, directing stand-up of law enforcement working groups

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ZNR UUUUU
R 142250Z SEP 21
FM USNORTHCOM J3 PETERSON AFB CO
TO RUIQAAA/COMMARFORNORTH
RUIQAAA/COMMARFORNORTH G SIX
RUIQAAA/COMMARFORNORTH G THREE G FIVE G SEVEN
RUIAAAA/AFNORTH A3 TYNDALL AFB FL
RUIAAAA/AFNORTH CAT TYNDALL AFB FL
RUIAAAA/AFNORTH CC TYNDALL AFB FL
RUIAAAA/AFNORTH TYNDALL AFB FL
RUIAAAA/CDR 5 ARMY NORTH AOC FT SAM HOUSTON TX
RUIEAAA/SOCNORTH J3 PETERSON AFB CO
RUIEAAA/SOCNORTH PETERSON AFB CO
RHMCSUU/HQ JTF ALASKA ELMENDORF AFB AK
RUIAAAA/JTF ALASKA ELMENDORF AFB AK
RUIPAAA/JOINT TASK FORCE NORTH
RUIPAAA/JTF-N J3 FT BLISS TX
RUIAAAA/HQ ALCOM ELMENDORF AFB AK
RUIAAAA/CDR MDW JFHQ-NCR FT MCNAIR DC
RUIAAAA/CJTFC S FT EUSTIS VA
RUIAAAA/AMOC MARCH ARB CA
RUIAAAA/CO MCAS MIRAMAR CA
RUIPAAA/CDR USCENCOM CJOC-J MACDILL AFB FL
RUIPAAA/DCDR USCENCOM MACDILL AFB FL
RUIDAAA/CDR USSOUTHCOM MIAMI FL
RUIDAAA/HQ USSOUTHCOM MIAMI FL
RUICAAAA/HQ USPACOM
RUIPAAA/HQ USEUCOM VAIHINGEN GE
RUIPAAA/CDR USEUCOM EPOC JOC VAIHINGEN GE
RUIPAAA/CDR USAFRICOM STUTTGART GE
RUIPAAA/CDR USAFRICOM JOC OPS STUTTGART GE
RUIPAAA/HQ USAFRICOM STUTTGART GE
RUEKJCS/JOINT STAFF J35 JFC WASHINGTON DC
ZEN/COMUSNAVNORTH
ZEN/JTFCS NORTHCOM FT MONROE VA
ZEN/HQ 25HQ JBAS LACKLAND AFB TX
ZEN/JBAB WASHINGTON DC
ZEN/NAVBAS VENTURA CTY PT MUGU CA
INFO RUIAAAA/NORAD AND USNORTHCOM COMMAND CENTER PETERSON AFB CO
RUEADWD/HQDA SEC ARMY WASHINGTON DC
RUEADWD/HQDA CSA WASHINGTON DC
RUEKJCS/JOINT STAFF J35 JFC WASHINGTON DC
RUEADWD/HQDA ARMY STAFF WASHINGTON DC
RUEAHQA/CSAF WASHINGTON DC
RUEKJCS/CJCS NMCC WASHINGTON DC
RUEKJCS/JOINT STAFF J3 NMCC OPS WASHINGTON DC
RUIQAAA/COMMARFORCOM G THREE G FIVE G SEVEN
RUIAAAA/HQ FORSCOM G3 CURR OPS FT BRAGG NC
RUIAAAA/CDR FORSCOM DCS G3 WATCH OFFICER FT BRAGG NC
RUIAAAA/CDR FORSCOM DCS G3 WATCH OFFICER FT BRAGG NC
RUIAAAA/CDR FORSCOM CMD CTR FT BRAGG NC
RUIAAAA/CDR FORSCOM G3 FUTURE OPS BR FT BRAGG NC
RUIHAAA/CDR USTRANSCOM DDOC SCOTT AFB IL
RUIHAAA/CDR USTRANSCOM TCJ3 SCOTT AFB IL
RUICAAAA/CDR USPACOM HONOLULU HI
RUILAAA/FEMA FRC RGN I MAYNARD MA
RUILAAA/FEMA FRC RGN IV THOMASVILLE GA
RUILAAA/FEMA FRC RGN VI DENTON TX
RUILAAA/FEMA FRC RGN VIII DENVER CO

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RUILAAA/FEMA FRC RGN X BOTHELL WA
RUILAAA/FEMA HQ WASHINGTON DC
RUILAAA/FEMA RGN I MAYNARD MA
RUILAAA/FEMA RGN II NEW YORK NY
RUILAAA/FEMA RGN III PHILADELPHIA PA
RUILAAA/FEMA RGN IV ATLANTA GA
RUILAAA/FEMA RGN IX SAN FRANCISCO CA
RUILAAA/FEMA RGN V CHICAGO IL
RUILAAA/FEMA RGN VII KANSAS CITY MO
RUIEAAA/HQ USSOCOM CMD CTR MACDILL AFB FL
RUIAAAA/ARNGRC WATCH ARLINGTON VA
RUIAAAA/ARNG NGB J3 NGCC WASHINGTON DC
RUEAHQA/AFOG WASHINGTON DC
RUILAAA/DHS OPERATIONS DIRECTORATE WASHINGTON DC
RUIAAAA/CDR 5 ARMY NORTH AOC FT SAM HOUSTON TX
RUIAAAA/CDR 5 ARMY NORTH HQ TF 51 FT SAM HOUSTON TX
RUICAAA/HQ USPACOM J3
RUICAAA/HQ USPACOM JOC
RUIDAAA/CDR USSOUTHCOM MIAMI FL
RUIDAAA/HQ USSOUTHCOM J3 MIAMI FL
RUIAAAA/CDRUSARPAC CG FT SHAFTER HI
RUIAAAA/CDRUSARPAC FT SHAFTER HI
RUIAAAA/USARPAC COMMAND CENTER FT SHAFTER HI
RUIAAAA/USCYBERCOM FT GEORGE G MEADE MD
RUIPAAA/HQ USSPACECOM COLORADO SPRINGS CO
RUIPAAA/JFHQ DODIN FT GEORGE G MEADE MD
RUIAAAA/HQ ACC CMD CENTER LANCLEY AFB VA
ZEN/CNO WASHINGTON DC
ZEN/COMUSFLTFORCOM NORFOLK VA
ZEN/COMLANTAREA COGARD PORTSMOUTH VA
ZEN/COMPACAREA COGARD ALAMEDA CA
ZEN/CANR HQ WINNIPEG
ZEN/JB PEARL HARBOR-HICKAM HI
ZEN/NAVREG MIDLANT RCC GREAT LAKES IL
ZEN/NAVSTA GREAT LAKES IL
ZEN/NAS JRB FORT WORTH TX
ZEN/NAVBASE KITSAP SILVERDALE WA
ZEN/DEPT OF HHS WASHINGTON DC
ZEN/CNIC WASHINGTON DC
ZEN/COMNAVREG HAWAII PEARL HARBOR HI
ZEN/COMNAVREG MIDLANT NORFOLK VA
ZEN/COMNAVREG NW SILVERDALE WA
ZEN/COMNAVREG PEARL HARBOR HI
ZEN/COMNAVREG SE JACKSONVILLE FL
ZEN/COMNAVREG SW SAN DIEGO CA
ZEN/COMNAVDIST WASHINGTON DC
ZEN/NAVOPSPTCEN VENTURA COUNTY CA
ZEN/NAVMEDFORPAC SAN DIEGO CA
BT
UNCLAS CUI
SUBJ/CDRUSNORTHCOM FRAGO 182.026 TO USNORTHCOM OPORD 01-17 (SUPPORT
TO DHS FOR AFGHAN PERSONNEL)
MSGID/ORDER/CDRUSNORTHCOM//

TIMEZONE/Z//

REF/A-BD NO CHANGE/

ATTACHMENTS: USNORTHCOM LEO FRAMEWORK//

CUI

NARR/ (U) THIS FRAGO PROVIDES JFLCC ADDITIONAL GUIDANCE REFERENCE COORDINATION WITH NON-DOD CIVILIAN LAW ENFORCEMENT (LE) SUPPORT AND LE WORKING GROUPS.//

GENTEXT/SITUATION/

1. (U) SITUATION. NO CHANGE.//

GENTEXT/MISSION/

2. (U) MISSION. NO CHANGE.//

GENTEXT/EXECUTION/

3. (U) EXECUTION.

3.A. (U) CONCEPT OF OPERATIONS. NO CHANGE.

3.B. (U) COMMANDER'S INTENT. NO CHANGE.

3.C. (U) TASKS TO SUBORDINATE AND COMPONENT COMMANDS AND SUPPORTING ELEMENTS.

3.C.1. (U) JFLCC/USARNORTH. CHANGE.

3.C.1.A. (U) AMPLIFYING GUIDANCE/DIRECTION ON COORDINATION WITH NON-DOD CIVILIAN LAW ENFORCEMENT (LE) SUPPORT AND LE WORKING GROUPS.

3.C.1.A.1. (U) OPERATION ALLIES WELCOME (OAW) IS AN INTERAGENCY OPERATION REQUIRING SUPPORT FROM THROUGHOUT THE WHOLE OF GOVERNMENT. USNORTHCOM CONTINUES TO ADVOCATE FOR RESOURCES TO ASSIST WITH THE MANY FACETS OF THE OPERATION THAT HAVE NOT BEEN REQUESTED BY THE LEAD FEDERAL AGENCY (LFA) AND SUBSEQUENTLY APPROVED BY SECDEF, TO INCLUDE NON-DOD CIVILIAN LE SUPPORT FOR EACH TASK FORCE/INSTALLATION INVOLVED. ARNORTH, AS WELL AS TASK FORCE AND INSTALLATION COMMANDERS, ARE REQUIRED TO ADVOCATE FOR SUPPORT WITH THEIR APPROPRIATE FEDERAL AGENCY COUNTERPARTS TO ENSURE DOD REMAINS FOCUSED ON THE SPECIFIC TASKS IT HAS ASSUMED RESPONSIBILITY FOR AND SO THAT THE INTERAGENCY PROVIDES APPROPRIATE LEVELS OF PERSONNEL TO THE EFFORT.

3.C.1.A.2. (U) CIVILIAN LE SUPPORT. AS DIRECTED IN FRAGO 182.009, THE INVOLVEMENT OF ANY DOD FORCES IN LE ACTIVITIES INVOLVING AFGHAN PERSONNEL SHALL BE MINIMIZED, TO THE MAXIMUM EXTENT POSSIBLE, BY HAVING NON-DOD CIVILIAN LE AGENCIES WITH APPROPRIATE AUTHORITY/JURISDICTION TAKE THE LEAD FOR RESPONDING TO ALL LEVELS (MISDEMEANOR AND FELONY) OF AFGHAN PERSONNEL CRIMINAL ACTIVITY. TO THAT END, ENSURE TASK FORCE AND INSTALLATION COMMANDERS HAVE COORDINATED WITH THE DHS FEDERAL COORDINATORS AND APPLICABLE FEDERAL/STATE/LOCAL LE AGENCIES AT THEIR RESPECTIVE LOCATIONS TO OBTAIN THE REQUIRED SUPPORT, WHICH SHOULD INCLUDE, AT A MINIMUM, APPROPRIATE LEVELS OF 24X7 ON-SCENE NON-DOD CIVILIAN LE RESPONSE AND INVESTIGATION CAPABILITIES, IDENTIFICATION OF AVAILABLE NON-DOD CIVILIAN LE TRANSPORTATION RESOURCES AND DETENTION FACILITIES, AND COORDINATION OF NON-DOD CIVILIAN PROSECUTORIAL AUTHORITY SUPPORT. TASK FORCE AND INSTALLATION COMMANDERS SHALL REPORT ANY GAPS IN NON-DOD CIVILIAN LE SUPPORT TO THE APPLICABLE DHS FEDERAL COORDINATOR FOR RESOLUTION. IF RESOLUTION AT THAT LEVEL DOES NOT OCCUR, GAPS SHALL BE REPORTED TO ARNORTH AND, AS NECESSARY, USNORTHCOM, FOR ACTION.

3.C.1.A.3. (U) LE WORKING GROUPS. ENSURE TASK FORCE AND INSTALLATION COMMANDERS HAVE FORMED THE LAW ENFORCEMENT WORKING GROUPS REQUIRED FOR EACH LOCATION BY FRAGO 182.015 AND, IF NECESSARY, PROVIDE DIRECT FACILITATION AND PARTICIPATION IN THOSE WORKING GROUPS TO ENSURE:

(1) THAT THE APPROPRIATE LEVEL OF NON-DOD CIVILIAN LE SUPPORT DETAILED IN 3.C.1.A.2. IS BEING PROVIDED AND (2) THAT LE RESPONSE PROCEDURES FOR ALL LEVELS OF AFGHAN PERSONNEL CRIMINAL ACTIVITY ARE ESTABLISHED AND CODIFIED IN AN MOU/A, SOP, OR SIMILAR DOCUMENT. THE LE RESPONSE PROCEDURES SHALL INCLUDE REQUIREMENTS FOR DOD FORCES TO REPORT ALL AFGHAN PERSONNEL CRIMINAL ACTIVITY TO THE APPROPRIATE NON-DOD CIVILIAN LE AGENCY FOR RESPONSE. IF THE APPROPRIATE NON-DOD CIVILIAN LE AGENCY IS UNABLE OR UNWILLING TO RESPOND, DOD FORCES SHALL FOLLOW NORMAL PROCEDURES FOR THE SITUATION TO ENSURE INSTALLATION SECURITY REQUIREMENTS ARE MET, AND TASK FORCE AND INSTALLATION COMMANDERS SHALL REPORT THE LACK OF RESPONSE TO THE DHS FEDERAL COORDINATOR FOR RESOLUTION. IF RESOLUTION AT THAT LEVEL DOES NOT OCCUR, THE LACK OF RESPONSE SHALL BE REPORTED TO ARNORTH AND, AS NECESSARY, USNORTHCOM, FOR ACTION.

3.C.2. (U) JFACC/AFNORTH. NO CHANGE.

3.C.3. (U) JFMCC/NAVNORTH. NO CHANGE.

3.C.4. (U) COMMARFORNORTH. NO CHANGE.

3.C.5. (U) SOCNORTH. NO CHANGE.

3.C.6. (U) ALCOM. NO CHANGE.

3.C.7. (U) JTF-NCR. NO CHANGE

3.D. (U) TASKS TO USNORTHCOM STAFF. NO CHANGE.

3.E. (U) TASKS TO SUPPORTING COMBATANT COMMANDS AND DEFENSE AGENCIES.

3.F. (U) COORDINATING INSTRUCTIONS. NO CHANGE.//

GENTEXT/ADMIN AND LOG/

4. (U) ADMINISTRATION AND LOGISTICS.

4.A. (U) TRANSPORTATION. NO CHANGE.

4.B. (U) FORCE DEPLOYMENT DATA. NO CHANGE.

4.C. (U) FUNDING. NO CHANGE.

4.D. (U) INSTALLATION SUPPORT. NO CHANGE.//

GENTEXT/COMMAND AND SIGNAL/

5. COMMAND AND SIGNAL.

5.A. (U) COMMAND. NO CHANGE.

5.B. (U) SIGNAL/POINTS OF CONTACT.

5.B.1. (U) MESSAGE POC. USNORTHCOM J33 CURRENT OPERATIONS DIVISION:

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
OP ALLIES REFUGE OMB:

[REDACTED]

5.B.2. (U) ARNORTH (JFLCC) JOC (24/7): DSN TEL: 471-0037/1513 COMM

[REDACTED]

5.B.3. (U) N2C2 LAND DOMAIN: DSN TEL: 692-2359 COMM TEL:

[REDACTED]

GENTEXT/AUTHENTICATION/USNORTHCOM J3 OFFICIAL: MAJ GEN HUYCK, USAF,
DIRECTOR OF OPERATIONS//

AKNLDG/YES//

BT
#1869

NNNN
Received from AUTODIN 142254Z Sep 21

Enclosure 17

(CUI) Sample Land Use Agreement, Fort Bliss

**DEPARTMENT OF THE ARMY
PERMIT TO THE U.S. DEPARTMENT OF STATE
TO USE PROPERTY LOCATED ON FORT PICKETT, VA**

The Secretary of the Army, hereinafter referred to as "Grantor," acting by and through the Real Estate Contracting Officer, U.S. Army Engineer District, Norfolk, hereby grants to the Department of State, hereinafter referred to as the "Grantee," a permit for the purpose of housing up to 10,000 Afghan Special Immigrant Visa (SIV) applicants, refugees, and others at risk as a result of the situation in Afghanistan over, across, in and upon the lands identified in Exhibits A and B, attached hereto and made a part hereof, hereinafter referred to as the "Premises."

THIS PERMIT is granted subject to the following terms and conditions:

1. This permit is hereby granted for the term of 6 months, beginning on August 27, 2021, and ending on February 28, 2022, and may be extended or revoked at will by the Grantor, or terminated by Grantee upon 30 days' written notice to Grantor.

2. This permit is granted without monetary consideration, such action having been determined to be in the public interest, in accordance with the terms and conditions hereinafter set forth.

3. All correspondence and notices to be given pursuant to this permit shall be addressed, if to the Grantee, to Department of State, Bureau of Population, Refugees and Migration, 2025 E Street NW, Washington, DC, 20522-0903, and if to the Grantor, to the Real Estate Contracting Officer, U.S. Army Engineer District, Norfolk, Attention: Chief, Real Estate Office, 803 Front Street, Norfolk, Virginia 23510. Copies shall be provided to the Director, Army National Guard, Headquarters Department of the Army and Air Force, ATTN: NGB-ARZ, 2500 Army Pentagon, Room 2E408, Washington, D.C. 20310-2500, and to the Installation Commander, Army National Guard Maneuver Training Center, Fort Pickett, Blackstone, VA 23824.

4. The Grantee shall maintain and keep the Premises in good repair and condition. Nothing herein requires the Department of Defense (DOD) to bear any cost or expense with respect to the Premises. Expenses related to the use and occupancy of the Premises shall be coordinated separately between the parties, consistent with existing law and regulation.

5. All use and occupancy of the Premises shall be subject to the general supervision and approval of the United States Property and Fiscal Officer for Virginia (USP&FO) and The Adjutant General of Virginia (TAG), or his/her duly authorized representative, The Grantee may authorize contractors, international organizations, non-governmental organizations, or with the prior approval of the USP&FO and the

TAG, other entities, to use and operate the Premises in furtherance of support for SIV applicants, refugees, and others at risk as a result of the situation in Afghanistan.

6. Upon approval of the USP&FO and TAG, the Grantee may erect structures on and make additions to or alterations of the Premises in furtherance of support for SIV applicants, refugees, and others at risk as a result of the situation in Afghanistan.

7. On or before the expiration of this permit or its relinquishment by the Grantee, the Grantee shall vacate the Premises, remove its moveable property therefrom, and restore the Premises to a condition satisfactory to the DOD, ordinary wear and tear and damage beyond the control of the Grantee excepted. The Grantor and Grantee agree that restoration of the premises shall not entail demolition of structures or reconfiguration of any additions to or alterations of the premises.

8. The Grantee shall comply with all applicable Federal, state, county, and municipal laws, ordinances, and regulations wherein the Premises are located.

9. The Premises are currently included in a Facilities Use Agreement (FUA) giving exclusive use to the Virginia Army National Guard. However, the FUA has been amended to allow for the Premises to be used by the DOS under this Permit and to provide that, to the extent there is any conflict between the terms and conditions of this permit and those of the FUA, this permit shall control. The Grantee may occupy and use those portions of the Premises identified in Exhibit B upon the prior written approval of the U.S. Property and Fiscal Officer who may be contacted at: ATTN: USP&FO, 8000 Jefferson Davis Highway, Richmond, VA 23297-5002.

10. A National Environmental Policy Act of 1969 (NEPA) Record of Environmental Consideration pertaining to the issuance of this permit and an Environmental Condition of Property to assess, determine, and document the environmental condition of the Premises as of the date of issuance of this permit will be provided by Fort Pickett to the Grantee within 10 calendar days of the date of this permit is executed. Upon expiration, revocation, or relinquishment of this permit, another Environmental Condition of Property shall be prepared which will assess, determine, and document the environmental condition of the Premises at that time.

THIS PERMIT is not subject to title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the
Secretary of the Army, this___day of August, 2021.



Chief, Real Estate
U.S. Army Engineer District, Norfolk
Real Estate Contracting Officer

THIS PERMIT is also executed by the Grantee this 27th day of August, 2021.

Department of State
Bureau of Population, Refugees, and Migration



ERIC L
HEMBREE

Digitally signed by ERIC L
HEMBREE
Date: 2021.08.27 16:32:40
-04'00'

Signature

Eric Hembree

Printed Name

Comptroller, Bureau of Population, Refugees and Migration

ACKNOWLEDGEMENT

The Commonwealth of Virginia, Department of Military Affairs, and the Virginia Army National Guard hereby acknowledge the grant of this permit upon the terms and conditions set forth therein.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF MILITARY AFFAIRS

By: 

TIMOTHY P. WILLIAMS
MG, VaARNG
The Adjutant General of Virginia

VIRGINIA ARMY NATIONAL GUARD

By: 

TIMOTHY P. WILLIAMS
MG, VaARNG
The Adjutant General of Virginia

EXHIBIT B

The locations requested by Grantee in this Permit on Fort Pickett, Virginia have been described as follows for the following uses (subject to change based upon written notification between Grantee and Fort Pickett):

The area to be used includes property at the Blackstone Army Airfield Site, property in the cantonment area, the 1600 area, the 2200-2600 area, and the Tent City Field Camp. Areas categorized as ranges or training areas are excluded from the request. Uses may include transient billeting, administrative support buildings, classrooms, and food preparation and service.

Enclosure 18

(CUI) Sample Law Enforcement Response Concept of
Operations, Fort Lee

Mission/Intent: Fort Lee Provost Marshal Office (PMO) supports Operation Allies Refuge by responding to Afghan Special Immigrants (ASIs) who have violated a post regulation or committed a misdemeanor or felony, in order to maintain order and safety.

Facts

- Department of Defense (DoD) Law Enforcement (LE) will treat the Afghan Special Immigrant (ASI) population in same manner as civilians on Fort Lee.
- DoD LE personnel are not authorized to incarcerate Afghan Special Immigrants (ASIs).
- DoD LE can apprehend and impose restraint when there is **probable cause** to believe that an ASI is committing or has committed an offense, until appropriate adjudication authority is notified and takes action
- LE officer should maintain custody of the ASI by directing the person to remain within specified limits until proper authority is notified.
- Interpreter support is available to assist Law Enforcement upon request to EOC.
- DoD LE, through mutual aid agreement, may hold ASIs in local LE facilities.
- LE officers should only physically restrain the ASI when absolutely necessary to ensure the safety of the ASI, the LE officer, and the public.

Assumptions

- US Marshals rapidly take custody from PMO of an ASI for felony offense as per Assistant US Attorney

Constraints / Limitations

- C: Fort Lee is an Exclusive Federal Jurisdiction.
 L1: DES/PMO maintains only one holding area.
 L2: Manning of LE Patrols
 L3: Local LE facility capacity to hold.

Risk

- Felony investigation disrupts processing of ASIs.
- Fort Lee public perception toward ASIs turns negative after offenses committed.
- Large group of Afghan Special Immigrants respond negatively to LE response and disrupt processing.

Authorities

- R.C.M. 302; 10 U.S.C.A. § 807 (UCMJ): Apprehend
- AR 600-20, Chapter 2-5: Command of Installations
- Draft MOA with Department of State (DoS)

	Concurrence		
TF CSM	Y	N	
Garrison CDR	Y	N	
DES	Y	N	
Surgeon	Y	N	
JAG	Y	N	
TM LSA	Y	N	
DOS	Y	N	
IRC	Y	N	
DHS/USCIS	Y	N	
IHG	Y	N	

CU
CU

Law Enforcement Response Concept of Operation

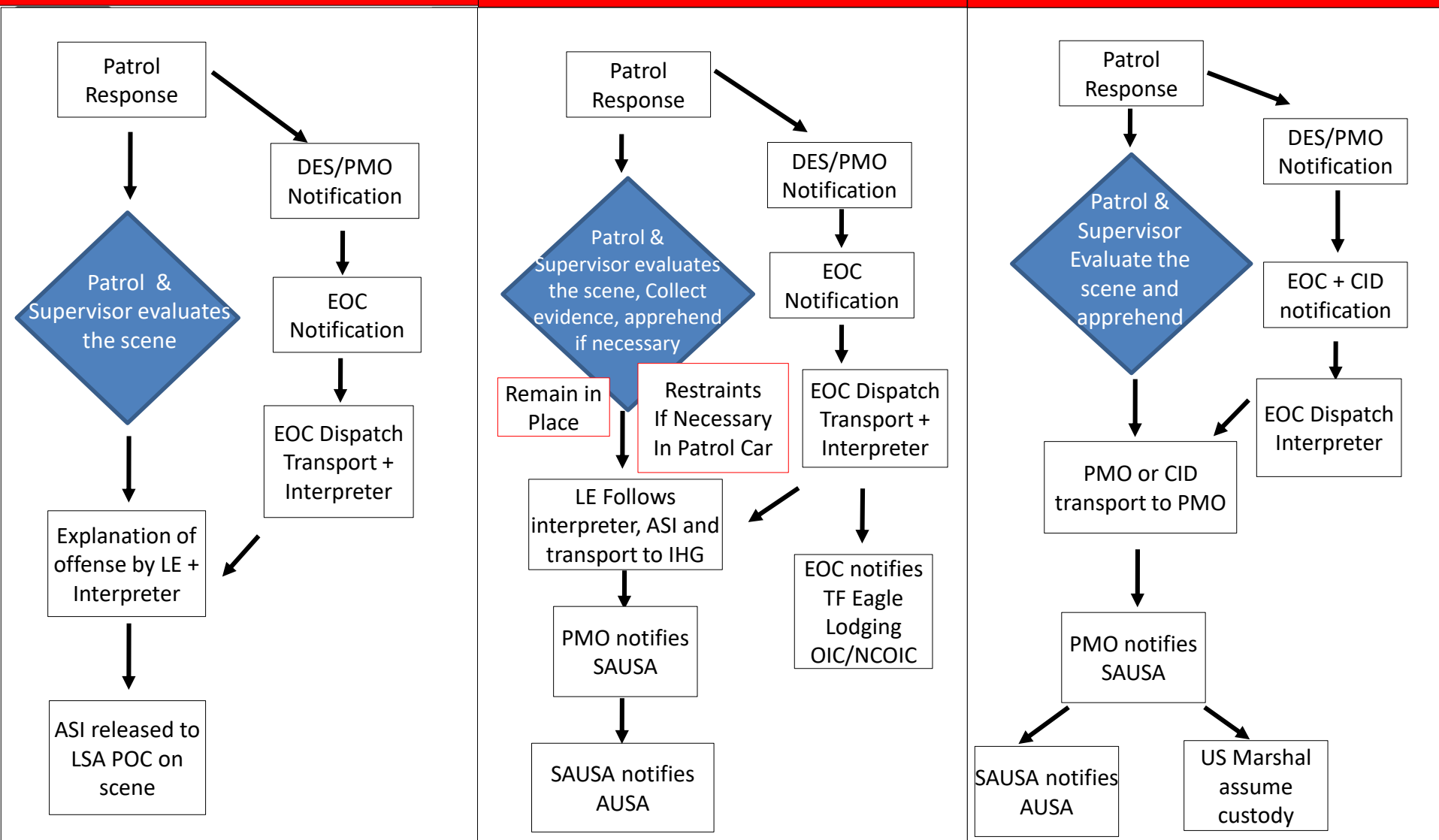
OPT LTC Cartagena

Operation Allies Welcome, After Action Report

Violation of Post Regulation

Misdemeanor

Felony



Terms: Directorate of Emergency Services (DES); Provost Marshal Office (PMO); Law Enforcement (LE); Emergency Operations Center (EOC); Afghan Special Immigrant (ASI); Life Support Area (LSA); International Hotel Group (IHG); Criminal Investigation Division (CID); Special Assistant US Attorney (SAUSA); Assistant US Attorney (AUSA)

CUI

Enclosure 19

Sample Mutual Support Agreement, Fort Pickett & Nottoway
Sherriff



DEPARTMENT OF THE ARMY
ARMY NATIONAL GUARD MANEUVER TRAINING CENTER
BLDG 1484, FORT PICKETT
BLACKSTONE, VIRGINIA 23824

REPLY TO
ATTENTION OF

NGVA-MTC-CDR

1 November 2020

MEMORANDUM FOR RECORD

SUBJECT: Memorandum of Agreement between the Nottoway County Sheriff's Office and Fort Pickett.

1. Attached is a Memorandum of Agreement that defines the mutual support relationship between the Nottoway County Sheriff's Office and Fort Pickett.
2. This agreement was created within the parameters established by Military & Emergency Laws; 44-123.1 – 44.123.2 pursuant to the Code of Virginia in regards the Armories, Buildings and Grounds under the control of the Virginia Department of Military Affairs.
3. Under the terms of this agreement, when requested by Fort Pickett Public Safety Communications, Nottoway County Sheriff's Office shall respond as soon as possible to any emergency involving any immediate threat to life or public safety within the jurisdiction of Fort Pickett pursuant to the Code of Virginia, Police & Public Order; 15.2-1724- Police and other officers may be sent beyond territorial limits. In addition, Fort Pickett shall provide assistance to Nottoway County Sheriff's Office upon request, pursuant the Department of Defense Directive 3025.15- Immediate Response Authority.
4. This MOA shall take effect 1 November 2020 and shall remain in effect until changed or rescinded by mutual consent within 30 days prior notice.
5. Point of contact for this action is the Fort Pickett Garrison Commander, COL Paul C. Gravely at [REDACTED] or via email at [REDACTED]

GRAVELY.PAUL.CHRISTIAN.105153
2151

Digitally signed by
GRAVELY.PAUL.CHRISTIAN.1051532151
Date: 2020.10.14 11:37:37 -04'00'

PAUL C. GRAVELY
COL, AR, VAARNG
Commanding

ENCL

1. Mutual Support Agreement

Mutual Support Agreement

1. PURPOSE: This Memorandum of Agreement defines the mutual support relationship between the Nottoway County Sheriff's Office and Fort Pickett. Mutual support shall be conducted within the parameters established by Military & Emergency Laws 44-123.1 - 44.123.2 of the Code of Virginia in regards to Armories, Buildings and Grounds under control of the Virginia Department of Military Affairs.

2. SCOPE: The points outlined herein, apply unless prior coordination is effected. This memorandum of Agreement shall remain in effect until changed or rescinded by mutual consent with 30 days prior notice. It shall be reviewed annually by both parties.

3. RESPONSIBILITIES:

A. Fort Pickett shall:

(1) Provide access to a speed display sign.

(2) Provide assistance to the Nottoway County Sheriff's Office upon request to the Garrison Commander or designee. The response will be pursuant to **Department of Defense Directive 3025.15** as requested for assistance from a civil authority (tribal authority, mayor, chief of police, fire chief, sheriff, chief of emergency management, etc.) required to initiate the **Immediate Response Authority**. Assistance may only be provided for imminently serious conditions in order to save lives, prevent human suffering or mitigate great property damage and when there is no time to seek approval from higher headquarters. **Following this request and approval by the Garrison Commander or designee, Virginia Army National Guard units within the affected area may respond immediately. The Garrison Commander will seek further guidance and approval from The Adjutant General of Virginia. The civil authority should utilize the emergency management response request process established by the Commonwealth of Virginia unless utilizing that process will endanger lives or lead to great property damage.**

(3) Participate in an annual exercise testing the Army National Guard Maneuver Training Center Fort Pickett Anti-Terrorism, Emergency Management, or Force Protection Plans.

(4) Whenever possible, provide personnel who are authorized to perform general law enforcement functions to support traffic checkpoints established by Fort Pickett when assistance has been requested from the Nottoway County Sheriff's Office.

(5) To provide back-up public safety dispatch support when requested during local or state emergencies when such emergencies have been declared by state or local government officials.

B. Nottoway County Sheriff's Office shall:

(1) When requested by Fort Pickett Public Safety Communications, respond as soon as possible to any emergency involving any immediate threat to life or public safety within the jurisdiction of Fort Pickett pursuant to Code of Virginia Police & Public Order- 15.2-1724 - Police and other officers may be sent beyond territorial limits.

(2) Patrol, at irregular interval, areas of the Fort Pickett military reservation that are contained within the jurisdiction of Nottoway County.

(3) When requested by Fort Pickett Public Safety Communications, provide first response investigative support for crimes occurring within the jurisdiction of Fort Pickett. However, all IBR/Offense reports, crime scene control, recovered evidence, including investigative follow-ups shall be turned over to the Virginia State Police for further law enforcement action.

(4) When requested by the Fort Pickett Garrison Commander or designee, provide Criminal Incident Information pursuant to the Code of Virginia- 2.2-3706; Disclosure of law enforcement and criminal records; limitations, provided that the release and or dissemination of information will not jeopardize an ongoing investigation, prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

(5) If available, participate with annual exercise testing of the Army National Guard Maneuver Training Center Fort Pickett Anti-Terrorism, Emergency Management, or Force Protection plans. Nottoway County Sheriff's Office shall be notified not less than 45 days prior to the exercise date.

(6) If available, provide deputy sheriffs' to support emergency traffic checkpoints established by Fort Pickett.

(7) When requested by the Fort Pickett Garrison Commander or designee, run periodic VCIN checks to vet individuals requesting visitor access to the installation and/or to bring personally owned weapons (POW) onto the installation in accordance with Fort Pickett Regulation (FPR) 350-1, dated 1 March 2020 and FPR 190-13 dated 22 January 2020. Fort Pickett will contact Nottoway County Sheriff's Office with

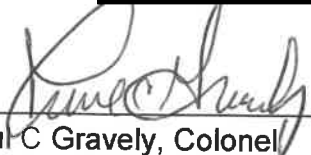
applicant's identifying information. Nottoway County Sheriff's Office will reply back to Fort Pickett by one of two responses: Applicant is Red (which means applicant has one or more prohibitions provided by Fort Pickett that would disqualify access or permission to bring POW onto post) or Applicant is Green (which means applicant does not have any prohibitions identified by Fort Pickett that would disqualify the applicant from obtaining access or permission to bring POW onto post). The following convictions, arrest, etc. will result in the applicant being identified as Red:


- a. Any Felony Conviction.
- b. Two or more drug related convictions within the last 10 years.
- c. Any misdemeanor conviction for larceny, assault, or identify theft.
- d. A wanted person. (In these cases local law enforcement will respond to make the arrest or notify Virginia State Police.)
- e. Any person on the Terrorist Watch List.
- f. Any person with a gang or violent person file.
- g. Any person on the Sex Offender Registry.
- h. Any person with no disposition on a felony or misdemeanor that would be a disqualifier.
- i. Any person with a pending deportation.

4. COMMUNICATIONS: To the maximum extent possible, during a declared public safety emergency by the state or local government, communications will be via the State Interdepartmental Radio System when conducting directed patrols, joint training, or unified command operations.

5. This MOA shall take effect 1 November 2020 and shall remain in effect until changed or rescinded by mutual consent within 30 days prior notice.

6. Point of contact for this action is the Fort Pickett Garrison Commander, COL Paul C. Gravely at [REDACTED]


Paul C Gravely, Colonel
Fort Pickett Garrison Commander
Date 23 OCT 20


Robert L. Jones
Nottoway County Sheriff
Date 16 Oct 2020

Enclosure 20

Sample Jurisdictional Statement

Jurisdictional Statement

Installation: Fort Pickett

Location: Counties of Brunswick, Dinwiddie and Nottoway, Virginia

This installation currently consist of 45,160.42 acres, more or less. Of this total, 45,157.17 acres, more or less, are owned in fee simple, and 3.25 acres, more or less, are easements.

All of the acreage comprising this installation was acquired after 1 February 1940, the date 40 U.S.C. 255 (Encl 1) was enacted. This statute provides that the United States accepts no jurisdiction over land unless and until the state in which such land is located either consents to the Government acquiring or cedes some measure of jurisdiction and such jurisdiction is accepted on behalf of the United States. Acceptance may be either filing a notice of acceptance with the Governor or as may be provided by State law.

On 30 April 1953, the Commonwealth of Virginia, acting by and through its Governor and Attorney General under the authority of Chapter 422, Acts of Assembly of 1940 (Encl 2), ceded jurisdiction over 45,666.86 acres, more or less of fee to the United States. The Secretary of the Army accepted the jurisdiction on behalf of the United States on 19 May 1953 and caused the deed (Encl 3) to be recorded in Brunswick County on 20 August 1953, in Dinwiddie County of 29 July 1953, and Nottoway County on 25 June 1953, according to State law.

The deed recited that exclusive jurisdiction was being ceded. The Commonwealth, however, reserved certain powers that are inconsistent with the cession of exclusive jurisdiction. Specifically, the State retained concurrent jurisdiction with the United States over crimes and offenses committed in the area where jurisdiction had been ceded. It retained the right to serve civil and criminal process in any proceedings properly instituted in state courts. It retained the jurisdiction and power to levy nondiscriminatory taxes on the franchises and properties of private individuals, associations and corporations, when such franchises and properties are used in the conduct of business on such lands, and on their businesses conducted thereon, excepting therefrom any enterprises managed and conducted by the Army and Air Force Exchange Service or by other instrumentalities of the United States. And finally, the deed provided that the courts of the Commonwealth shall have concurrent jurisdiction with the courts of the United States of all civil causes of action arising on the lands over which jurisdiction had been ceded to the same extent as if the cause of

action had arisen in the county or city in which the land lies outside the area, and the State officers shall have jurisdiction to enforce on the lands the judgments of State courts and the collection of taxes by the appropriate process.

With these reservations exclusive jurisdiction was not ceded. Exclusive jurisdiction exists when the Federal Government has received all of the authority of the State, except the right to serve criminal and civil process resulting from activities occurring outside the Federal enclave involved. What was in fact ceded was concurrent jurisdiction. This jurisdiction exists where the state in granting to the United States that measure of authority which would otherwise amount to exclusive jurisdiction over an area, has reserved unto itself the right to exercise all of the same authority concurrently with the United States.

The deed also contained the required statutory provision that:

... in the event the said land or any part thereof any association or corporation, under the terms of which sale or lease the vendee or lessee shall have the right to conduct thereon any private industry or business, then the jurisdiction ceded to the United States over any such land so sold or leased shall cease and determine, and thereafter the Commonwealth of Virginia shall have all jurisdiction and power she would have had if no jurisdiction or power had been ceded to the United States. This provision, however, shall not apply to post exchanges, officer's and non-commissioned officers' messes, and similar service organizations and activities on said lands.

The deed of cession described the area over which jurisdiction was ceded as containing 45,666.86 acres, more or less. The metes and bounds description was of the base perimeter as it then existed. Jurisdiction, however, was not ceded over the entire area. Excluded from the cession was 269.40 acres, more or less, which was under lease from the Town of Blackstone. This is the airport property.

Also excluded from the cession were the portions of the rights-of-way of U. S. Route 460, and State Route Nos. 40, 46, 613, 615, 628, 644, 645 and the part of State Route No. 643 located in Dinwiddie County where those roads crossed the area described in the deed. The acreage of these road easements have been computed to total 81.15 acres, more or less. This computation was based on how the roads were laid out in 1953.

easements have been computed to total 81.15 acres, more or less. This computation was based on how the roads were laid out in 1953.

The 742.45 acres, more or less, of fee owned lands have been sold to private parties. Jurisdiction over these lands has reverted to the Commonwealth.

On 14 December 1983, the Government conveyed to the Town of Blackstone 37.94 acres, more or less, of fee owned land that was subject to ^{con} current jurisdiction. In return the Town conveyed to the Government fee simple title to 76.0 acres, more or less, of the 269.40 acres that was under lease to the Government. The Government has acquired no jurisdiction over these 76.0 acres.

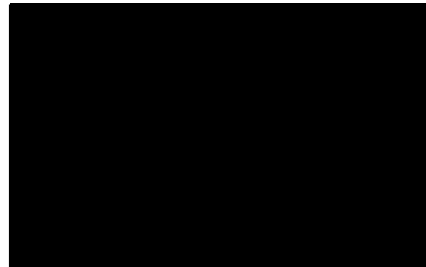
On 1 October 1984, the Government acquired fee simple title to the remaining 193.40 acres, more or less, that it had been leasing from the Town. Thus, all of the airport property formerly under lease is now owned in fee simple. No jurisdiction was acquired over the 193.40 acres. 512

The United States has no jurisdiction over the 3.25 acres, more or less, of easements since the cession statute does not apply if the Government has less than a fee simple interest in the land.

Summary

Concurrent Jurisdiction	44,734.03 acres - fee simple
Proprietorial Interest	423.14 acres - fee simple
	<u>3.25 acres - easement</u>
Total	45,160.42 acres

Dated: 18 July 1985



4 Encls

1. 40 U.S.C. 255
2. Chap 422, Acts of Assembly of 1940
3. Deed of Cession
4. Map

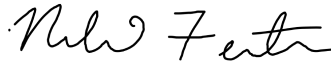
Enclosure 21

Department of Homeland Security Law Enforcement
Concept of Operations

September 24, 2021

TO: Federal Coordinators
Unified Coordination Group
Operation Allies Welcome

FROM: Robert J. Fenton Jr.
Senior Response Official
Unified Coordination Group



SUBJECT: Operation Allies Welcome – Physical Security Presence Team

The safety and security of the Afghans under our care, as well as the personnel supporting Operation Allies Welcome, is one of our most important missions. This vulnerable population deserves the best environment we can provide while they complete the necessary steps of their parole and resettlement into communities throughout the United States.

To enhance the security posture that DoD is providing at each Safe Haven and provide support for CDC quarantine activity, the UCG has coordinated the use of Physical Security Presence Teams (PSPTs) to supplement security at the Safe Havens and provide more personal interaction with the Afghan population. The PSPTs will augment base security by providing additional services, including visible, proactive patrols, integration into the Afghan community leaders' councils, the provision of education on law enforcement activities in U.S. communities.

PSPTs will be at your locations no later than September 25, 2021. I am encouraging each of you to maximize these teams to enhance your overall operations and provide support to the guests in your charge.

For any issues related to these teams please contact Heather Fong [REDACTED] DHS Law Enforcement Task Force Lead, or [REDACTED] OAW UCG Operations Section Chief.

Thank you for your truly outstanding work.

Sincerely,

Robert J. Fenton Jr.
Senior Response Official
Unified Coordination Group

CONCEPT OF OPERATIONS FOR PHYSICAL SECURITY PRESENCE TEAMS ON SAFE HAVENS

Purpose

Due to the length of stay for our Afghan guests at Operation Allies Welcome (OAW) Safe Havens, the U.S. Government will enhance its security presence to prevent, deter, and respond to public safety violations and criminal activity.

SRO Intent

Ensuring public safety and engaging in appropriate law enforcement operations will prove a critical factor for maintaining the security and safety of the Afghan population at the Safe Havens. These law enforcement operations need to occur in a cooperative fashion with interagency and state and local partners to ensure that we do not militarize- the relationship between the evacuees and the U.S. Government.

Execution

- 1) Deploy federal law enforcement officers to provide, with DoD Military personnel, a security presence on base (DHS, DOD, DOJ, other federal law enforcement agencies).
- 2) Establish Physical Security Presence Teams (PSPTs) to respond to immediate public safety situations. Criminal matters requiring investigation and prosecution will be transitioned to the appropriate federal, state, or local law enforcement authorities (DHS, DOD, DOJ).
- 3) Tapping into existing frameworks and agreements, DOD uniformed personnel will leverage assistance from law enforcement agencies with jurisdiction over civilian populations (DOD, federal law enforcement agencies, state/local authorities).

Additional Resources Required

- **Physical Security Presence Teams:** A total of 80 teams with each team composed of 1 DOJ/DHS law enforcement officer and 2 DOD personnel (240 total personnel; allocated based on need across 8 bases).
 - DOD to provide 160 personnel
 - Federal law enforcement agencies to provide 80 personnel
 - DHS to provide 40 LEOs.
 - DOJ to provide 40 LEOs.

Responsibilities¹

- DOD will be responsible for Safe Haven perimeter security and overall DOD installation perimeter security.
- DOD and DOJ have longstanding and well-established procedures for law enforcement activities that occur on bases involving individuals that are not subject to the Unified Code of Military Justice. Pursuant to DODI 5525.07 and the 1984 MOU between DOJ and DOD, DOJ has primary responsibility for the enforcement of federal laws in the federal courts.

¹ Depending on the jurisdiction of individual military bases, these responsibilities might require adaptation at the eight safe havens.

- DOD Base Commanders and Federal Coordinators at each Safe Haven shall liaise with the appropriate U.S. Attorney's Office, state and local authorities, and federal law enforcement agencies to develop procedures for field-level criminal investigations and referrals DOD Base Commanders and Federal Coordinators shall assess necessary force protection measures to jointly ensure the security and safety of our Afghan guests and to ensure good order and discipline at the DOD installations.
- DOJ (through the FBI) will conduct investigations and support prosecutions in coordination with the appropriate U.S. Attorney's Office and state and local law enforcement officials.
- DOJ, in coordination with DHS, will coordinate the provision of education on community policing, the American justice system, and law enforcement interactions with the public to our Afghan guests.
- DOJ and DHS to explore the availability of grant funds and the extension of flexibilities in grant administration for possible reimbursement to state and local law enforcement and public safety agencies for supporting law enforcement at Safe Havens.

Physical Security Presence Teams Guidance

Purpose/Emphasis: The Unified Coordination Group (UCG) for Operation Allies Welcome (OAW) has established objectives to (1) provide for the basic life services of Afghan evacuees, (2) facilitate public safety, and (3) ensure community integration of the evacuees. To further these objectives, the UCG has identified a need to provide a physical security presence on the Safe Haven locations. This document provides guidance on how these teams will be utilized under existing law enforcement frameworks.

Scope: This guidance is intended to assist base commanders and law enforcement personnel in appropriately employing Physical Security Presence Teams (PSPTs) in and around the populations of Afghan evacuees being housed onboard Department of Defense (DoD) installations. Nothing in this guidance changes a DoD Installation Commander's authority and responsibility to maintain good order and discipline onboard DoD installations. Moreover, this guidance does not address enforcement of quarantine-related orders and the appropriate transition of individuals violating such orders; any such guidance, if necessary, will be provided in a separate document.

Concept of the Operation: A total of 80 PSPTs composed of 1 federal LEO and 2 DoD personnel will be deployed across the 8 Safe Haven locations. The PSPTs will work with on-base security personnel to develop a plan to increase public safety presence throughout those locations where Afghan evacuees are housed and present on DoD installations. The PSPTs will respond to immediate public safety situations, but the PSPTs will transition criminal matters related to investigation and prosecution to the appropriate federal, state, or local law enforcement authorities. Finally, PSPTs will provide reporting and feedback to and share lessons learned with the UCG and across the bases.

PSPTs Tasks:

- Provide a visible and proactive patrol presence in the Safe Havens 24/7
- Work collaboratively with the Federal Coordinator, DOD, and LE Task Force Liaisons, and other assigned personnel at the safe haven to understand security-related issues and recommend/ implement solutions.
- Make recommendations on any physical security countermeasures that could be considered to enhance security on the safe haven.
- Build relationships with Afghan Evacuees to include working with other assigned persons to conduct outreach and education about understanding safety, behavioral, cultural awareness helpful for their stay in the safe haven and transition to their future resettlement location.
- When notified of criminal activity or a physical security threat, respond immediately to the location and coordinate with installation security personnel to abate the activity.
- The PSPTs will not make any arrests of Afghan evacuees, but can detain individuals while awaiting base security personnel or FBI agents to conduct further investigation.
- For federal crimes, transition the follow-up investigation to the FBI POC and provide standard report to LE Task Force Liaison for dissemination to the SRO.

- For state crimes, transition the follow-up investigation to state/local law enforcement consistent with existing base protocol and provide report to LE Task Force Liaison for dissemination to the SRO.
- Work collaboratively with the Federal Coordinator, Installation Commanders, LE Task Force Liaisons, and other assigned personnel at the Safe Havens to understand security-related issues and recommend/implement solutions.

INITIAL ALLOCATION OF TEAMS

As of 23 September 2021

Base	PSPT
Ft McCoy*	0
Ft Bliss	12
JB MDL	16
Camp Atterbury	9
Ft Pickett	18
Holloman AFB	6
MCB Quantico	2
Ft Lee	3

*Fort McCoy's existing security already incorporates PSPTs functions in the base security plan

FPS Survey Countermeasures for OAW Safe Haven Bases – Immediate Physical Site Security Recommendations

MCB Quantico:

- Improve Illumination
- Install a public notification system
- Improve fencing systems
- Placing a VSS in vulnerable areas
- Install appropriate vehicle barriers at vulnerable areas

Fort Bliss:

- Improve illumination of around the base and its periphery to provide
- Installation of a public announcement system to communicate alerts
- Implement defined perimeter fencing surrounding the base camp
- Install a CCV to cover critical areas and building perimeters
- Create an entry control system and implementation of secured storage areas for retention of controlled items
- Install a K-rated vehicle barrier/bollards at vulnerable areas

Holloman AFB:

- Establish fencing and gate configurations to reduce pedestrian and vehicle access
- Install signage to inform people about regulations, access control screening
- Install a video surveillance system to cover checkpoints and other critical areas
- Upgrade illumination in critical areas
- Improve barrier designs

Joint Base McGuire-Dix-Lakehurst:

- Implement a mass notification system to communicate alerts
- Implement a fence to assist with pedestrian traffic and to increase security

Fort Lee:

- Establish a mail screening facility (x-ray) removed from critical areas
- Placing VSS in vulnerable areas

Camp Atterbury:

- Establish a mail screening facility (x-ray) removed from critical areas
- Install crash rated barriers at the temporary main gate and the NBC gate
- Improve illumination at entrances and exits / repair existing lighting that is not working

Fort McCoy:

- Improve illumination at entry and exit points and public areas.

Fort Lee:

- Establish a package screening area (x-ray) removed from critical areas
- Placing VSS in vulnerable areas

Camp Ashbury:

- Establish a perimeter fence and fencing at the main entry road, along Lopez St. from Mitchell St., Bailey St. to the wood line
- Placing VSS in vulnerable areas
- Improve illumination at critical areas
- Employ vehicle barriers to protect pedestrian entrances
- Install signage to inform people about regulations, access control screening

Fort Pickett:

- Establish a remote screening area (x-ray) removed from critical areas
- Installation of a public announcement system to communicate alerts
- Installation of temporary and permanent fencing for areas that are unsafe for guests to go
- Placing VSS in vulnerable areas
- Improve illumination by cleaning and maintaining existing light fixtures and identify areas to place temporary lighting

Asset Category Ratings:

- A. Lighting 7/8
- B. Public Address 4/8
- C. Fencing 6/8
- D. Vehicle barriers 4/8
- E. CCV/VSS 7/8
- F. Entry Control System 1/8
- G. Signage 2/8
- H. Screening Areas 4/8

Identified Areas of Immediate Action:

1. Lighting/CCV-VSS
2. Fencing
3. Vehicle Barriers/Screening Areas

TEMPLATES

The following pages are provided for use at each Safe Haven based on the discretion and security plan of the Safe Haven. These are only templates and examples of techniques used to enhance the safety and security of the base.

Documents should be personalized and modified to enhance your operations.

Good Order & Community Rapport

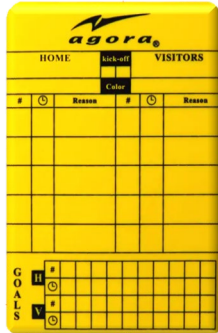
7. Hoarding or taking beyond your need is forbidden. Share to allow everyone to have an equal portion. Only take enough for yourself and family.
8. No food allowed overnight in the tent. Food will bring snakes, bugs, and lead to sickness.
9. Trash must be thrown into trashcans. Do not litter or throw trash on the ground.
10. Baby formula is only allowed for babies. Adults are not allowed to eat baby food.
11. Do not ask for contractor/ military personnel for phone numbers.
12. Do not ask others (contractors/ visitors) to bring items in from outside.
13. Do not take photos around toilets, showers, or other private areas (housing).
14. No smoking or open fires inside or near buildings. Do not throw cigarettes into the trash.
15. Departure from Safe Havens may mean one cannot return.
16. If something (like the air conditioner unit) is not functional, then report it to the mayor cell so that the broken object can be repaired appropriately.

1. Possession of alcohol, drugs, and/or other controlled substances is forbidden. Only prescribed medications are allowed to the prescribed individuals. Do not share prescribed medications with others. Follow instructions from medical personnel regarding dosage and frequency.
2. Possession of any form of weapons (knives, firearms, etc.) is forbidden.
3. Theft is forbidden.
4. Trespassing or entering tents or buildings that they are not assigned to unless explicitly welcomed/invited by appropriate personnel.
5. Harassment is forbidden.
6. Do not tamper with anything that you do not own. Do not damage property or equipment.
7. Do not throw objects at anything or anyone

1. Hate crimes – ethnic crimes are forbidden.
 - a. Everyone is equal at this Village and in the US, no matter what the background, ethnicity, economic status, religion, social status, etc.
 - b. Men and women are equal and should be treated equally at the Village.
2. Assault and domestic violence are forbidden.
 - a. assault includes any unwanted touching
3. Attempted murder and/or murder is forbidden.
4. Aggravated assault is forbidden.
5. Sexual assault/ rape is forbidden.
6. Kidnapping or the trafficking of persons is forbidden.
7. Forcing anyone to do anything under the threat of harm is forbidden.

CONSEQUENCE FLOW CHART

PENALTIES



Nuisance Action

- Littering
- Hoarding of supplies
- Profanity or negative comments about status (social, ethnic, religious, tribal, etc.)
- Trespassing
- Unauthorized photographing near latrines or living areas
- Harassment

1st Offense

- Verbal Warning
- MPs log offense with Mayor Cell
- IRC notified of infraction

2nd Offense

- Incident cited/logged by DoS
- MPs log offense with Mayor Cell
- **IRC issue warning**



3rd Offense

- **Expulsion from safe Haven**
- **Potential adverse impact to immigration status**



Consequence

Nuisance

- 3 offenses results in potential expulsion from Safe Haven (SH), which may result in the change in immigration status

Crime

- Domestic violence
- Theft
- Child abuse
- Simple Assault
- Arson
- Possession of contraband

1st Offense

- MPs complete a raw data file (RDF)
- SAUSA/FBI may file charges
- Written warning issued if no charges are filed
- Expulsion from SH (severity dependent)



2nd Offense

- MPs complete a RDF
- SAUSA/FBI file charges
- Expulsion from SH
- ***Referred to US Attorney Office (policy implications)



3rd Offense

Crime

- 1-2 offenses results in potential expulsion from SH, which may result in the change in immigration status

Serious Crime

- Attempted Murder
- Murder
- Aggravated Assault
- Sexual assault/Rape

- Arrest
- Charges filed by the FBI
- Expulsion from DAV

CUI

Serious Crime

- 1 offense results in potential jail sentence, expulsion from SH which may result in the change in immigration status

* These are not all inclusive, base commanders & Community Leaders may adjudicate based on above examples set by the Commander's own set guidelines

OAW Sexual Assault Reporting Card/Poster

Operation Allies Welcome, After Action Report



Sex Based Crimes, and Your Resources to Report

- Reach out to contacts provided on the back, or
- Simply flash this card at a nearby Site Representative.



If You Need Help

Report to Law Enforcement:
Emergency: Call 911
Non-Emergency:

Report to Medical Personnel:

Report to Mayor's Cell:
Building #

Talk to a Translator.



Sexual Assault

What is Sexual Assault?

Causing another person to engage in a sexual act by threatening, pressuring or causing anxiety;

OR

Engaging in a sexual act with another person if that other person is:
- Incapable of appraising the nature of the conduct; or
- Physically incapable of declining participation in, or communicating an unwillingness to engage in, that sexual act.

Sexual assault is a crime.



Rape

What is Rape?

Causing another person to engage in a sexual act by using force, or by placing the other person in fear of serious bodily harm or kidnapping;

Rendering the other person unconscious, and engaging in a sexual act with them;

OR

Administering by force, or without the other person's knowledge, an intoxicant that substantially impairs their ability to consent and engages in a sexual act with that person.



Translation



Translation



Translation



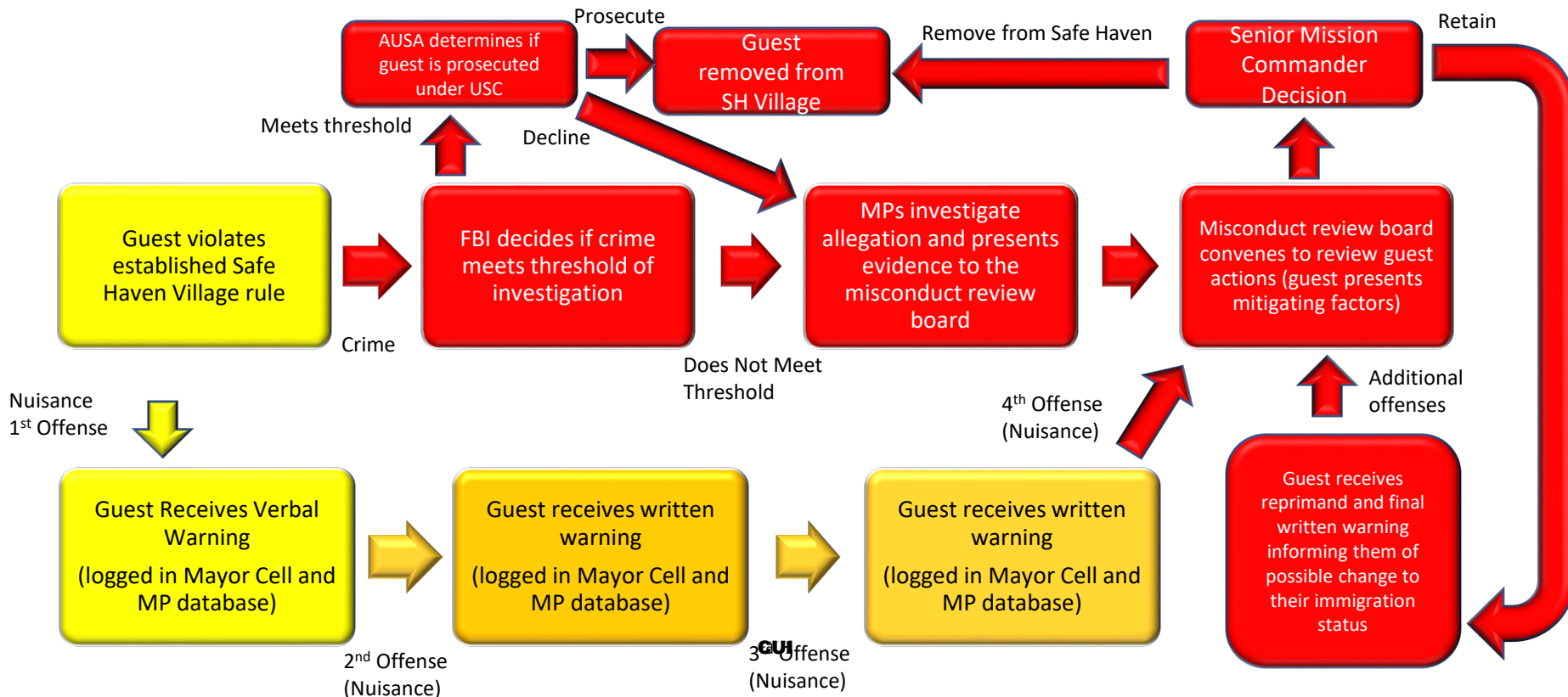
Translation

Safe Haven Guest Misconduct Flow Chart

Operation Allies Welcome / Air Action Report

Safe Haven Law Enforcement Continuum

<u>Nuisance Actions</u>	<u>Misdemeanor</u>	<u>Felony</u>
<ul style="list-style-type: none"> -Littering -Hoarding of supplies -Profanity or negative comments about status (social, ethnic, religious, tribal, etc.) -Trespassing -Unauthorized photographing near latrines or living areas -Harassment 	<ul style="list-style-type: none"> -Domestic violence -Theft -Child abuse -Simple Assault 	<ul style="list-style-type: none"> -Attempted Murder -Murder -Aggravated Assault -Sexual assault/Rape -Sexual violence
*Listed are examples and do not encompass all misdemeanors and felonies		
Guests receive warnings for nuisance actions. Guests who commit crimes are subject to FBI investigation. Guest who commit multiple nuisances are subject to a misconduct review board. Guests who assault others are subject to immediate detainment by military personnel.		



Misconduct Review Board Operating Standards

All voting misconduct review board members should attend a briefing designed to build shared understanding and orientation of rules of behavior.

Cultural, medical, and law enforcement subject matter experts brief voting members on the complexities of removing a guest from Safe Haven. An attorney will provide guidance on the board procedures and appropriate legal standard. The subject matter experts include:

Medical

Legal

Messaging and lens of community/NGOs (DHS PAO)

Law Enforcement

Misconduct Review Board Composition

Board recommendations are forwarded to the Fort Bliss Commanding General as the senior mission commander for good order and discipline at Safe Haven Villages.

Review board decision makers:

Mayor Cell BN/SQN CDR/CSM x2
DOD Representative from Base HQ

Recommended participants:

DoS Representative
DHS Representative
FBI
DES
Staff Judge Advocate
DOD Unit Rep
Medical LNO (for ASI medical conditions)

Location

Date

MEMORANDUM FOR Misconduct Review Board

SUBJECT: Guidance for considering removal of Afghan guests from Safe Haven Villages

1. As the senior mission commander for _____, to include the Safe Haven Villages, I am responsible for the maintenance of good order and discipline. This board assists me in maintaining good order and discipline by providing recommendations on the removal of Afghan guests who are alleged to have committed misconduct
2. Removal of guests from Safe Haven Villages requires consideration of many factors. These include but are not limited to:
 - a. Medical status of the guest (e.g. vaccination status or chronic illness)
 - b. Impact of guest's removal on family members residing in _____ Village.
(e.g. removing a father who is the sole caretaker of underage guests)
 - c. Severity of the misconduct
3. This board will NOT consider impacts to the guest's immigration status when making a recommendation on removal from Safe Haven Villages
4. The board may consider the recommendations and requests of character witnesses, cultural experts, or mitigating factors conveyed by the guest (through translators). However, the only voting members of this board are representatives approved and empowered by the command staff of the base to render decisions in these types of matters.

Name
Title

Location

(Date)

MEMORANDUM FOR (Offender)

SUBJECT: Warning Letter – Misconduct of (Offender) on or about (Date)

1. On (Date), you, (Offender), committed (list of offenses) within the Safe Haven Villages (SHV).
2. Such conduct constitutes behavior that is unacceptable and prejudicial to the good order and discipline of this community.
3. You are hereby warned that such behavior will not be tolerated on _____. Your misconduct is serious and poses a threat to the safety and good order of our community. Should you engage in further misconduct of any sort, I will consider appropriate adverse administrative action against you, up to and including, removal from SHV and a bar from entry to _____.

Name
Title

4. Certification of Acknowledgment.

Printed Name of Resident

Signature of Resident

Date of Acknowledgement

Printed Name of Interpreter
(if applicable)

Signature of Interpreter
(if applicable)

Enclosure 22

Sample Standing Rules for the Use of Force (SRUF) brief,
Holloman Air Force Base



U.S. AIR FORCE

TF-HOLLOMAN

SECURITY INCIDENT RESPONSE PROCEDURES



- Intent: Afghan personnel shall be treated with the dignity and respect afforded any non-DoD civilian on a DoD installation
- DoD Law Enforcement retain the authority to **temporarily** and **reasonably** detain civilians for criminal offenses committed on the installation for the purpose of handing them off to the appropriate law enforcement agency
- No attempt will be made by DoD members to prevent an Afghan personnel or family member from departing the installation. The Mayor's Cell will be immediately notified of the departure.
- Per 49 WG/CC – Afghans shall have an escort if they are outside of the Village, bldg. 908, and bldg. 105. It is not a **crime** (read: do not detain or arrest) for Afghans to be outside of those designated areas.
- SRUF applies only to law enforcement. Augmentees shall not engage in the use of force except for self-defense.



TF-HOLLOMAN

SECURITY INCIDENT RESPONSE PROCEDURES



Rule 1: Unit Self Defense: In response to a hostile act or demonstrated hostile intent

Hostile Act: Attack or use of force against DoD

Hostile Intent: Threat of imminent use of force against DoD

Rule 2: Individual Self Defense: In response to a hostile act or demonstrated hostile intent

Rule 3: De-Escalation: Threatening force should be given a verbal warning and the chance to withdraw

Rule 4: Limitations on Use of Force: Only as a last resort and, if used, it must be the minimum necessary and reasonable in intensity, duration, and magnitude

Rule 5: Use of Non-Deadly Force: Where it is reasonable in order to accomplish the lawful performance of assigned duties, defend oneself or others from actual or imminent threat of injury or death, defend protected property, overcome resistance offered to a lawful detention

Rule 6: Use of Deadly Force: Self defense, defense of others, and defense of designated property



U.S. AIR FORCE

TF-HOLLOMAN

SECURITY INCIDENT RESPONSE PROCEDURES



EXAMPLES

- **Unit Self-Defense** – If an Afghan individual is currently assaulting a service member, SFS/BDS may use force to get them to stop.
- **Individual Self-Defense** – If you are being assaulted by an Afghan individual, you may use force to get them to stop.
- **De-Escalation** – If an Afghan individual is becoming increasingly hostile or threatening, the first line of defense should be yelling “STOP!” If they do not stop and become increasingly hostile to the point of force, you may respond with proportional force.
- **Limitations on Use of Force** – Proportionality: If an Afghan individual is assaulting a service-member without any weapons, it is illegal to use drastic forceful measures such as a grenade or other type of explosive ordnance.
- **Use of Non-Deadly Force** – If an Afghan individual is repeatedly trying to enter a restricted area despite warnings, non-deadly force may be used to prevent the individual from entering the area. In this instance, non-deadly force may start at pushing the individual back lightly and may work up to restricting the individual with handcuffs so they can be removed from the area.
- **Use of Deadly Force** – If an Afghan individual is showing a threat of imminent force that will cause destruction of life – such as brandishing an explosive device in a manner that implies intent to use that device – up to deadly force may be used. Deadly force in this instance may be shooting the individual with a pistol before they can use the device so to cause the least amount of loss of human life.



TF-HOLLOMAN



SECURITY INCIDENT RESPONSE PROCEDURES

■ If at village

- Call [REDACTED] (822 BDS TOC) for all emergencies or non-emergency security or law enforcement concern;
- Find an 822 BDS patrol;
- Notify the Mayor's office via radio, phone, or runner.

■ If not at village

- Call **911** for all emergencies
- Call [REDACTED] (49 SFS BDOC) for all non-emergency security or law enforcement concern

Enclosure 23

Sample Warning Letter, Fort Bliss

AFBL-CG

XX Month XXXX

MEMORANDUM FOR John Doe

SUBJECT: Warning Letter – Misconduct of John Doe on or about XX Month XXXX

1. On or about XX Month XXXX, you, John Doe, List of Offenses at the Doña Ana Village (DAV).
2. This behavior is unacceptable and harmful to the good order and discipline of this community.
3. This is a warning that this behavior will not be allowed on Fort Bliss and Doña Ana Village. Safety and security is very important. Disrespect for the laws of the United States and the rules of Doña Ana Village is taken very seriously. If you break the law and the rules of Doña Ana Village again, there will be action taken against you that can include being removed and barred from Doña Ana Village. Being removed and barred from Doña Ana Village could harm your immigration process and immigration status.

[Commanding General]
Major General, USA
Commanding

4. Certification of Acknowledgment.

Printed Name of Resident

Signature of Resident

Date of Acknowledgement

Printed Name of Interpreter
(if applicable)

Signature of Interpreter
(if applicable)

Enclosure 24

Sample Misconduct Review Board Script, Fort Bliss

Misconduct Review Board Script

Board Lead (BL): My name is _____. I have been designated as a board member to hear the facts surrounding this case.

(The Board Lead is the Commander assigned to oversee operations at the DAV.)

BL: Also, present for this review is

Name and Agency with Title

Name and Agency with Title

BL: The purpose of this board is to thoroughly and impartially review the matters associated with the current case to determine if removal from Doña Ana Village is justified. This review will include an examination of the relevant facts surrounding the offense(s) of which you the Afghan guest is (suspected of having committed) (have been charged). This review is not a trial, nor is it an adversarial proceeding or hearing. However, it is the duty of this board to review, evaluate, and weigh the evidence to determine whether there is a preponderance of the evidence to believe that removal from Doña Ana Village is warranted. Based upon this review, the recommendation will be to determine if you should remain a guest or be removed from Doña Ana Village.

Do the board members understand the purpose of this review and role?

Board members: _____ (verbal confirmation).

BL: The Afghan guest is suspected/accused of committing the following:

Example: On or about date, you engaged in (list conduct).

This BLUF should be provided to the Board from the Law Enforcement agency, with any relevant evidence.

BL: The board will consider or has considered the following evidence:

MP reports, etc.

BL: The board will also consider the input from the following entities / partners: (Guidance: the board lead will write the answers provided from the partners to memorialize the response, the BL can also task a board member to right the responses).

1. Law Enforcement Agency (LEA):

- a. To the law enforcement agency involved, is there anything else that the board should consider in this matter?

Example: provides an overview of the facts surrounding the matters before the board that might not have been previously discussed.

- b. FBI or other LEA: what is the recommendation from Special Assistant United States Attorney (SAUSA)?
- c.

BL to Law Enforcement: (If there is a named victim as to any suspected or charged offense): Was the alleged victim informed of this review?

Answer

2. Medical: 528th / Division Surgeon Representative

BL to Medical Representative: Do you have any medical concerns regarding this individual?

Answer

BL to Medical Representative: Should this board recommend a bar to DAV, what are the potential medical implications?

Answer

3. DHS Representative

BL to DHS Representative: Do you have any concerns regarding this individual that this board should consider?

Answer

BL to DHS Representative: Should this board recommend a bar to DAV, what are the potential implications of his bar?

Answer

4. DoS Representative

BL to DoS Representative: Do you have any concerns regarding this individual?

Answer

BL to DoS Representative: Should this board recommend a bar to DAV, what are the potential medical implications?

Answer

5. Legal Considerations

BL to Legal Representative: Do you have any legal concerns regarding this individual?

Answer

BL to Legal Representative: Should this board recommend a bar to DAV, what are the potential legal implications?

Answer

6. Legal Considerations

BL to Legal Representative: Do you have any legal concerns regarding this individual?

Answer

BL to Legal Representative: Should this board recommend a bar to DAV, what are the potential legal implications?

Answer

Board discusses its findings and fills out the appropriate recommendation forms to the CG for final determination.

BL: The board is concluded. The board will forward its recommendation to the Commanding General for final approval. You will be notified of that decision in writing. Thank you all for your time.

Enclosure 25

Sample CG Action memo for Misconduct Review Board, Fort
Bliss



AFBL-CG

MEMORANDUM FOR RECORD

SUBJECT: Misconduct Review Board – Recommendations of the Disciplinary Review Board into Allegations of Misconduct by [Guest's Name]

1. I have reviewed the attached documents into the allegations against [Guest's Name], that [insert offense(s)]. After careful review of all board materials, and after consultation with the Staff Judge Advocate:

_____ I approve the recommendations of the board.

_____ I disapprove the recommendations of the board.

2. The point of contact for this memorandum is the Staff Judge Advocate at 744-6889.

[Commanding General]
Major General, USA
Commanding

Enclosure 26

Sample Installation Barment letter, Fort Bliss

AFBL-CG

MEMORANDUM FOR [Guest's name]

SUBJECT: Order Not to Re-enter or be Found Within the Limits of the Fort Bliss Military Reservation, including Doña Ana Village

1. You are barred from the Fort Bliss Military Reservation including Doña Ana Village, and any Fort Bliss property, effective upon receipt of this letter. The reason for this action is [list offense(s)].
2. In accordance with Title 18, United States Code, Section 1382, you are advised that:

Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard Reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or whoever re-enters or is found within any such reservation, post, fort, arsenal, yard, station, or installation after having been removed therefrom or ordered not to re-enter by any officer or person in command or charge thereof, shall be fined not more than \$5,000 or imprisoned not more than six months, or both.
3. Should a compelling reason exist that you believe would justify the modification or termination of this order, you may submit a request for consideration through the Office of the Staff Judge Advocate, Fort Bliss Texas.
4. You are further informed that you will be subject to apprehension by the military police for delivery to the appropriate authorities should you re-enter or be found within the limits of the Fort Bliss Military Reservation including Doña Ana Village in violation of this order.

[Commanding General]
Major General, USA
Commanding

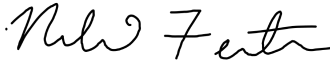
Enclosure 27

DHS memo, 5 September 2021, Medical Requirements for
Operation Allies Welcome

September 5, 2021

TO: Ambassador Tracey L. Jacobson
CONUS Task Force Lead
U.S. Department of State

Heather C. King
Deputy Assistant Secretary of Defense for Homeland Defense Integration
and Defense Support of Civil Authorities
U.S. Department of Defense

FROM: Robert Fenton, Jr.
Senior Response Official
Unified Coordination Group 

SUBJECT: Medical Requirements for Operation Allies Welcome

In a memo dated September 2, 2021, the Centers for Disease Control and Prevention (CDC) recommended that the Unified Coordination Group (UCG) for Operation Allies Welcome establish a process that provides specific vaccinations and tuberculosis screening to all incoming Afghan nationals brought to the United States as part of this Operation. *See* Appendix 1. Consistent with these recommendations, arriving Afghan nationals are required, as a condition of parole, to get the specified vaccinations and a tuberculosis screening at a federally-funded facility following entry into United States.

In order to satisfy these requirements, the Department of Defense (DOD) should ensure that the following vaccinations and screenings are given to all arriving Afghan nationals as soon as possible after arrival at a DOD facility:¹

1. MMR (measles, mumps, rubella) vaccination with the broadened age limit specified in Appendix 1, absent proof of prior vaccination;
2. Polio vaccination with the broadened age limit specified in Appendix 1, absent proof of prior vaccination;
3. COVID-19 vaccination, absent proof of prior vaccination;
4. Other age-appropriate vaccinations (*see* Appendix 2 for the full list), absent relevant proof of prior vaccination; and
5. Tuberculosis screening

¹ If operational conditions change which may result in adverse public health outcomes on DOD CONUS facilities, DOD should alert the CDC for further recommendations regarding these requirements.

No one should be forcibly vaccinated. However, the Department of Homeland Security should be **notified immediately** if an individual fails to comply with these requirements, absent a documented medical justification for the failure to do so. DHS Immigration and Customs Enforcement will take steps to place these individuals in custody and terminate parole.

In addition, following my conversations with the UCG Medical Operations leadership and consistent with CDC guidance, the following additional steps should be implemented as soon as possible:

1. Family members of U.S. citizens and LPRs and other evacuees with U.S. sponsors should be taken to a single facility within driving distance of Dulles and Philadelphia airports, where these medical requirements can be completed as expeditiously as possible.
2. All persons should receive the required vaccinations as soon after arrival at the DOD facilities as operationally possible;
3. All persons should receive a routine history and physical examination;
4. Proof of vaccinations and screening should be provided to adult recipients and the legal guardians of children;
5. DOD should initiate a monitoring and reporting infrastructure for infectious diseases with outbreak potential.

If the medical officer determines that receiving a vaccination or tuberculosis screening would not be medically appropriate, an exception may be granted on a case-by-case basis. Such exception and the reason for the exception should be documented.

cc: MG Dagvin Anderson, USAF, J3, Joint Staff

RDML Marc J. Miguez, USN, Deputy Director for Operations, National Joint Operations Intelligence Center, Operations Team TWO, J3, Joint Staff

RDML Miriam Lafferty, USCG, Deputy Director of Operations for Headquarters, United States Northern Command (USNORTHCOM)

BG Matthew Smith, USA, Deputy Director of Operations, Readiness, and Mobilization, Headquarters Department of the Army G-3/5/7

Enclosure 28

DHS Delegation to Senior Response Official for Gift
Acceptance

Department of Homeland Security
DHS Directive System
Delegation Number: 23032
Revision Number:

Issue Date:

DELEGATION TO ROBERT J. FENTON, SENIOR RESPONSE OFFICIAL FOR OPERATION ALLIES WELCOME, TO SOLICIT, ACCEPT, AND USE GIFTS

I. Purpose

This delegation vests authority in Robert Fenton, the Senior Response Official for Operation Allies Welcome, to solicit, accept, and use gifts, pursuant to Title 6 of the United States Code, Section 453 and section 507 of Public Law 108-90, the DHS Appropriations Act of 2004, offered to DHS to support the Department's activities welcoming vulnerable Afghans into the United States.

This delegation supplements DHS Delegation No. 00006, "Gifts to the Department of Homeland Security."

II. Delegation

A. Subject to my oversight, direction, and guidance, I hereby delegate to Robert Fenton, the Senior Response Official for efforts to welcome vulnerable Afghans into the United States, the authority to solicit, accept, and use gifts offered or provided to DHS to support the Department's activities in support of these efforts, subject to the conditions in paragraph II.B.

B. The responsibilities, policy, requirements, definitions, and procedures outlined in DHS Directive No. 112-02, "Gifts to the Department of Homeland Security," and its accompanying instruction, DHS Instruction No. 112-02-001, "Instruction Guide on Gifts to the Department of Homeland Security," apply to this delegation, except that the delegatee may waive the need to consider the fair market value or appraised value of gifts provided to support the Department's activities regarding the efforts to welcome vulnerable Afghans, including many work worked on behalf of the United States, as required by Section V(D)(2) of DHS Instruction No. 112-02-001, if the donor fails to state or provide such value. An estimated value shall suffice for reporting purposes, if required.

C. In addition to the gift authority delegated above in Paragraph II.A, the delegee may accept gratuitous services consistent with applicable law and policy. Consistent with applicable law, the delegee may accept and utilize gratuitous services only after execution of a gratuitous services agreement that (1) provides that the services are offered without the expectation of payment; and (2) the service provider expressly waives any future claims against the government. A template of a gratuitous services agreement is attached to this Delegation as Appendix I.

III. Re-delegation

The authority delegated herein may not be re-delegated.

IV. Termination

This delegation will terminate automatically upon the earlier of when Robert Fenton relinquishes his position with DHS, when these efforts are terminated, or if specifically revoked.

V. Authorities

A. Section 102 of the Homeland Security Act of 2002, Pub. L. No. 107-296, as amended, Title 6 United States Code (U.S.C.) § 112, Secretary, functions

B. Section 873 of the Homeland Security Act of 2002, Pub L. No. 107-296, as amended, Title 6 U.S.C. § 453, Use of Appropriated Funds

C. Section 507 of the Department of Homeland Security Appropriations Act, 2004, Pub. L. No. 108-90

D. DHS Delegation No. 00006 (rev. 1.1), Delegation to Accept and Utilize Gifts to the Department (July 2, 2012)

VI. Office of Primary Interest

The immediate offices of the Secretary and the Deputy Secretary have the primary interest in this delegation.



Alejandro N. Mayorkas

Secretary of Homeland Security

8-30-21

Date

APPENDIX 1

GRATUITOUS SERVICES AGREEMENT

1. This gratuitous services agreement is between the United States Department of Homeland Security ("Recipient") and _____ ("Provider").
2. The duration of this gratuitous services agreement is from _____ to _____. The duration of this agreement cannot be extended except by express, written, mutual consent of both parties. However, both parties can mutually consent to early termination of this agreement, verbally or in writing. Additionally, this agreement can be unilaterally terminated by either party, with or without cause, with or without prior notification to the other party, in writing or verbally. Both parties are prohibited from claiming or seeking damages from the other party or from the United States because of any mutual or unilateral early termination of this agreement.
3. The terms of this agreement cannot be modified except by the express, written consent of both parties.
4. Provider offers to provide the following gratuitous services to Recipient:

5. Recipient agrees to accept Provider's gratuitous services identified in Paragraph 4 above to the extent permitted by law.
6. Provider agrees to provide the gratuitous services described in Paragraph 4 above with the full understanding that Recipient and the United States cannot and will not compensate, provide any financial benefit to, or reimburse Provider in any manner for providing those services.
7. Provider agrees and declares that it has no expectation of receiving any compensation, financial benefit, or reimbursement of any kind from Recipient or the United States for providing gratuitous services under this agreement.
8. Provider agrees to make no claim for compensation, financial benefit, or reimbursement of any kind against Recipient or the United States for gratuitous services provided under this agreement.
9. Provider understands and agrees that it would be unlawful for Recipient to accept Provider's services if Provider had any expectation of any compensation, financial benefit, or reimbursement from Recipient or the United States.
10. Both parties declare that this document constitutes the sole and complete gratuitous

services agreement between them.

Recipient: _____

Date: _____

Provider: _____

Date: _____

Enclosure 29

Legal Opinion, Employment of Afghans as interpreters, Fort
Bliss

Employment of Afghan Refugees as Interpreters

BLUF. The employment of Afghan Parolees as interpreters is legally permissible, provided that Afghan Parolees complete the pertinent documentation correctly upon entry, DHS/CBP grant their employment authorization documentation to work, and a copy of said documentation is provided with their Form I-9 employment eligibility verification.

References: 8 C.F.R. § 274a.12; 8 U.S.C. § 1101, Immigration and Nationality Act, Sec. 212 (5 August 2021); and U.S. Citizenship and Immigration Services (UCIS) Handbook for Employers, M-274 § 6.3, Refugees and Asylees.

Discussion. Parolees may be authorized to work in the U.S., provided that they are granted a work authorization by UCIS. 8 C.F.R. § 274a.12, para. (c). This authorization to work is not guaranteed, but rather the discretion of UCIS, and conditioned on their status as a parolee. 8 U.S.C. § 1101, Sec. 212, para. (d)(5). In this vein, this authorization to work is predicated on the accurate completion of certain documentation upon entry, and the subsequent filing of the same, in conjunction with their formal request for employment. M-274 § 6.3. The relevant documents for refugee authorization to work are provided below, and the associated discussion regarding the same is provided thereafter:

1. **Form I-94:** The Department of Homeland Security (DHS) Form I-94, *Arrival/Departure Record*, furnished by DHS to refugees, upon admission.
2. **Form I-765:** The United States Citizenship and Immigration Services (USCIS) Form I-765, *Application for Employment Authorization*, secured by applicant.
3. **Form I-9:** The USCIS Form I-9, *Employment Eligibility Verification*, provided by employer at time of prospective employee on-boarding. *Id.*

Upon entering the United States, DHS/CBP will provide refugees a Form I-94 (Arrival/Departure Record), which will not expire, so long as they maintain their parolee status during their application period for another status. M-274 § 6.3. The I-94 is a certifying document and can be submitted with their Form I-9 (Employment Eligibility Verification), as an acceptable document for employment eligibility verification. M-274 § 6.3. The I-94, with a status of parolee, statutorily grants the UCIS's discretion to grant the work authorization, which is effectuated by the completion and submission of a Form I-765 (Application for Employment Authorization, i.e. a work permit) to secure the requisite Employment Authorization Documentation (EAD) for employment, given their status as a parolee, and an accurately filled I-94. M-274 § 6.3.

In application, when it comes time for a refugee to complete a Form I-9, the refugee should check "alien authorized to work" and enter "N/A" on the Expiration Date field in Section 1, even if they have an expiration date on their I-94. M-274 § 6.3. Note, this analysis is predicated on the applicant being designated as a parolee, upon entry to the U.S. by DHS/CBP.

Summarily, the employment of Afghan Parolees as interpreters is legally permissible. However, it will not happen overnight, as the completion of the pertinent documents, and their submission to secure an EAD to start the employment on-boarding process (i.e. completing a Form I-9, and providing the I-94 along with the requisite EAD) can take time. As a stop-gap, seeking support from parolees on an informal volunteer basis, until formal employment is plausible, might be the provisional remedy.

Enclosure 30

Legal Opinion, Support to NGOs, 30 August 2021, Fort Lee



ATCL-SJA-AL (27-1a2)

30 August 2021

MEMORANDUM FOR COL Karin Watson, Garrison Commander, Fort Lee, VA 23801

SUBJECT: Legal Review of Joint Ethics Regulation (JER) Section 3-211 Approval of Logistical Support to Non-Governmental Organizations (NGOs) at Fort Lee, Virginia for Operation Allies Refuge (OAR)

1. Subject to the facts and analysis discussed below, there is **no legal objection** to DoD personnel and logistical support to NGOs providing direct support to Special Immigrant Visa (SIV) Applicants living at the Life Support Area (LSA).

2. References.

a. DoS Executive Secretary Memorandum, Subject: Request for Assistance ("RFA") CONUS and OCONUS Temporary Housing, Sustainment, and Support for Afghan Special Immigrant Visa (SIV) Applicants.

b. Executive Secretary for SECDEF Memorandum, Subject: DoD Support to DoS for Afghanistan Special Immigration Visa Applicants Inside the United States, 22 July 2021.

c. Joint Ethics Regulation, current version.

d. 22 United States Code (U.S.C.) 2318, Special authority ("Presidential Drawdown Authority").

e. NORTHCOM FRAGO 182 to OPORD 01-17 (Support to DoS for Afghan SIV Applicants), P R 222357Z July 2021.

f. Army Regulation 165-1 Army Chaplain Corps Activities.

g. Memorandum of Understanding Between Installation Commander, Fort Lee, Virginia and Department of State (DOS) for Operation Allies Refuge (OAR), dated 30 July 2021.

h. Joint Ethics Regulation (JER) Section 3-211 Approval of Logistical Support to Non-Governmental Organizations (NGOs) at Fort Lee, Virginia for Operation Allies Refuge (OAR), dated 30 August 2021.

3. Facts. The Religious Support Office (RSO) has received NGO requests for required items in support of Special Immigrant Visa Applicants (SIVA). The NGOs and these

requests are in support of DoS/ OAR for the benefit of the SIVA living at LSA. The RSO compiles the list and sends the list to those in the Fort Lee community who ask how they can help. The RSO has not called, emailed, or put out any information asking people to donate items to SIVs or support OAR and the RSO includes a disclaimer on all correspondence indicating that the list comes from the NGOs. After sharing the NGO list of items, the RSO directs donations to the Liberty Chapel, as LSA access is limited. The RSO then uses military personnel to deliver the donated items to the NGOs at the LSA. The NGOs have a legitimate need for logistical support and assistance because they do not have an adequate number of personnel nor logistical capabilities to support multiple communications with the Fort Lee community or transport from a collection point to a distribution point.

4. Chaplain Support to NGOs Analysis.

a. In accordance with AR 165-1, material donations are routinely accepted by the Chapel Tithes and Offerings Fund (CTOF). However, in this case the RSO is providing personnel and logistical support to an NGO in support of a DoS/ DoD mission pursuant to Secretary of Defense and NORTHCOM authorization.

b. In accordance with Presidential Drawdown Authority (PDA), DoD inventory and resources may be spent in authorized situations to support an authorized activity under 22 U.S.C. 2318. Per NORTHCOM FRAGO 182 to OPORD 01-17, Fort Lee support to OAR and DoS under the terms of DoS Request for Assistance (RFA) and DoD's approval is authorized for PDA support. Specifically, support to DoS and supporting non-governmental agencies falls under DoD's requirement to provide "Any additional requirements necessary to support Afghan SIV applicants and their families." Therefore, personnel and logistics support to NGOs in the form of communicating with the local community, collecting and transporting donations is expressly authorized by the Secretary of Defense.

c. Even if the PDA did not apply, JER para. 3-210 and 3-211 allows for DoD logistical support, to include facilities, equipment, and employees necessary to make proper use of the equipment, in support of non-Federal Entity (NFE) events and activities. In this situation, support to NGOs to assist them in collecting donations for SIVA qualifies under JER para. 3-211 as a "charitable fundraising" activity by the NFE. Therefore, per JER 3-211(b), DoD may support and assist logistically with the NFE's charitable fundraising after making the appropriate determinations. In this case, the Garrison Commander has determined that DoD support to NGOs operating at the LSA pursuant to the DoS mission satisfies all the JER requirements (See Reference h). Therefore, there is no legal objection to the RSO donation operational support to NGOs.

5. The point of contact for this memorandum is [REDACTED]
[REDACTED]

[REDACTED]

Enclosure 31

Asst Secretary of Defense memo, 27 August 2021, Military Service Exchange and DoD Commissary Access for Non-Government and Contract Organizations Supporting OAW



ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

8/27/2021

MANPOWER AND
RESERVE AFFAIRS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
DIRECTOR, DEFENSE COMMISSARY AGENCY

SUBJECT: Military Service Exchange and DoD Commissary Access for Non-Government and Contract Organizations Providing Support to Afghan Special Immigrant Visa Applicants, Family Members, and Other Individuals at Risk Housed Temporarily on Military Installations

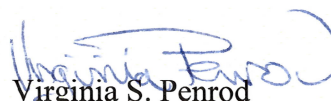
Department of Defense (DoD) installations around the globe are providing support to the Departments of State, Homeland Security, and Health and Human Services by temporarily housing thousands of Afghan Special Immigrant Visa (SIV) applicants, their family members, and other individuals at risk. The majority of health and sustenance products being provided by non-Government and contract organizations come from donations and commercial sources. Installation commanders at affected military installations in the United States and the U.S. territories and possessions are authorized to grant temporary Military Service exchange and DoD commissary access to non-Government and contract organizations for immediate health, hygiene, sustenance, and other essential needs that arise while providing support to Afghan SIV applicants, their family members, and other individuals at risk who are temporarily housed on the military installation as part of the support provided to the Department of Homeland security.

All items purchased at commissaries and military exchanges under this authority must be for the express use of Afghan SIV applicants, their family members, and other individuals at risk temporarily housed on affected military installations. Non-Government and contract organizations that purchase commissary items pursuant to this memorandum will pay a sales price that recoups the actual product cost of the item and related overhead costs.

Installation commanders are also authorized to grant volunteers and employees of non-Government and contract organizations temporary access to Military Service exchanges in order to purchase health, hygiene, and sustenance items for personal use when they are residing on the installation while providing support to Afghan SIV applicants, family members, and other individuals at risk. The purchase of alcohol and tobacco products is prohibited.

Installation commanders who exercise this authority will establish procedures to verify eligibility status and identification at commissaries and military exchanges for authorized non-Government and contract organization representatives and individual volunteers and employees residing on the installation while providing support to Afghan SIV applicants, family members, and other individuals at risk.

This authority shall remain in effect for the duration of DoD support to the Department of State. My point of contact is [REDACTED]


Virginia S. Penrod
Acting

CUI

Enclosure 32

DHS memo, 8 October 2021, Non-federal Medical
Credentialing, Licensure and Liability Guidance

October 8, 2021

MEMORANDUM FOR: Federal Coordinators
Safe Havens
Unified Coordination Group

Kellie Bulliner Holly
Executive Secretary
U.S. Department of Defense

FROM: Pritesh Gandhi, MD, MPH
Medical Operations Branch Director
Unified Coordination Group



SUBJECT: **Non-Federal Medical Credentialing, Licensure and Liability Guidance**

The following guidance on licensure and liability coverage for non-federal medical personnel (e.g., grantee, volunteer organizations and contract staff.) supporting Operation Allies Welcome (OAW).

Key Points:

Licensure:

- Non-federal medical providers must be licensed in the state within which they are practicing medicine.
- When non-Federal healthcare providers are providing services in a state in which they are not licensed, they should consult with the state licensing authority as needed about whether or not they are authorized to practice in that state, regardless of whether they will be providing services on federal property.
- Non-federal healthcare providers whose services are accepted under a relevant volunteer authority, have to ensure that the state in which they are practicing has provided them with license reciprocity, a temporary state license, or has otherwise authorized them to practice with an out-of-state license.
 - As state laws differ, the state licensing authority would be in best position to advise if it provides license reciprocity to non-federal providers who provide services on U.S. military bases, or if it can otherwise authorize such providers to practice in such location under the specific circumstances at issue.

Liability:

- Non-federal healthcare providers should ensure that they have appropriate coverage for any tort liability that may arise when carrying out healthcare activities.
 - If under a federal grant, the cost of malpractice insurance would be an allowable cost for grants involving the provision of healthcare. Depending on the circumstances, in certain public health emergencies, there may be state liability immunity provisions that would apply to healthcare providers who provide care during the emergency, but such laws differ state to state. Because State governors have not declared formal emergencies or disasters under state law in regard to OAW, such state immunity provisions may not apply.
 - Further, in certain circumstances, liability immunity may be available under the federal Public Readiness and Emergency Preparedness (PREP) Act if grantee healthcare providers are covered by an applicable PREP Act declaration and carry out activities described in the declaration. For example, if grantee healthcare providers were providing COVID-19 vaccinations that are covered under a PREP Act declaration and are participating in state or federal vaccination activities, and they meet the PREP Act declaration's requirements, then they would qualify for liability immunity under the PREP Act.

Conclusion:

In summary, even if non-federal healthcare providers are providing services on a U.S. military base, they should consult with the state licensing authorities (as needed) about whether they are authorized to practice at such locations under the state laws at issue. As state laws differ, the applicable state licensing authority would be in best position to advise if it provides license reciprocity to a non-federal provider who provides services on U.S. military bases or if it can otherwise authorize such providers to practice in such locations under the specific circumstances at issue.

Non-federal healthcare providers will want to ensure that they have appropriate coverage for any tort liability that may arise when carrying out healthcare activities under the grant.

Cc: Heather C. King, Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities, U.S. Department of Defense
Maj Gen Paul Friedrichs, USAF, Joint Staff Surgeon, U.S. Department of Defense

Enclosure 33

Order re emergency medical licensing, State of New Jersey,
Dept of Law and Public Safety

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

ORDER

WHEREAS, the United States, in collaboration with various federal agencies, non-governmental agencies, military branches, and civilian contractors, has established safe haven facilities in the State of New Jersey, located at Joint Base McGuire-Dix-Lakehurst (JBMDL), a property under the control and management of the United States Army, to provide a variety of services to Afghan guests evacuated under Operation Allies Welcome (OAW). At the present time, JBMDL has the capacity to provide services to 13,000 Afghan guests; and

WHEREAS, in order to ensure the health, safety, and welfare of Afghan guests evacuated to JBMDL through OAW, there is an ongoing need to make medical treatment available to Afghan guests. Treatment will be provided by employees of International SOS ("ISOS"), an entity that has entered into a contract with the United States Department of Defense, to provide such medical services to Afghan guests at the safe haven facilities at JBMDL; and

WHEREAS, in order to avoid depleting available local resources, particularly during the continuing State of Emergency relating to COVID-19, and to be able to provide 24-hour coverage at JBMDL from the present time until approximately August 20, 2022, ISOS is utilizing out-of-state licensed health care professionals to provide needed services; and

WHEREAS, the out-of-state licensed professionals needed to be part of the multi-disciplinary health care teams include, but are not limited to, physicians (M.D.s and D.O.s, including psychiatrists), registered nurses, licensed practical nurses, advanced practice nurses, physician assistants, pharmacists, pharmacy technicians, licensed clinical social workers, and psychologists; and

WHEREAS, pursuant to Title 45 of New Jersey Statutes, all of the identified healthcare professionals are generally required to hold a New Jersey license issued by a licensing board located in the New Jersey Division of Consumer Affairs before rendering services in New Jersey; and

WHEREAS, the Division of Consumer Affairs has been assured that all licensed professionals who would otherwise be subject to the jurisdiction of a New Jersey licensing board and are part of the multi-disciplinary healthcare teams shall be:

- 1) Required to hold a current unrestricted license in good standing issued by another jurisdiction within the United States, and duly authorized and legally qualified under the laws of that jurisdiction to engage in the practice for which they have been employed;
- 2) Limited to providing care exclusively to the Afghan guests in facilities or institutions located within the confines of JBMDL, and will not be authorized to establish an office or place of practice in any other location in the State of New Jersey; and
- 3) Engaged to provide services for a limited period of time, not to exceed one year; and

WHEREAS, there are, within several of the individual Practice Acts, recognized exemptions allowing out-of-state licensees to practice in New Jersey without a New Jersey license, for finite periods, or in specific facilities or institutions, or with a limited scope, or grounded upon the exigencies of the circumstances; and

WHEREAS, the rationale underlying those exemptions applies to the present circumstances, given the medical needs of the Afghan guests and the fact that the services are to be provided on federal property at a facility under the control and management of the United States Army for a limited period not to exceed one year, and that all of the health care professionals that will provide services at such facility are licensed to practice in another jurisdiction;

NOW THEREFORE, to effectuate the limited purpose of allowing the federally-contracted multi-disciplinary health care teams to provide services to our Afghan guests located at JBMDL in support of OAW within New Jersey's borders, out-of-state licensed health care professionals engaged by ISOS in a manner consistent with all of the conditions set forth above are hereby exempted from New Jersey's licensing requirements for the duration of OAW.

ANDREW J. BRUCK
ACTING ATTORNEY GENERAL OF NEW JERSEY

A handwritten signature in black ink, appearing to read 'A. J. Bruck', with a stylized flourish at the end.

By: _____
SEAN NEAFSEY, ACTING DIRECTOR
DIVISION OF CONSUMER AFFAIRS

Enclosure 34

Request to SecArmy for exception to AR 215-8 to authorize
Afghan access to Exchange Services;

Request for Exception to AR 215-8 to authorize tobacco
purchases

HQDA-210802-9CJ6

Fort Lee Request for Exception to AR 215-8 for Afghan Special Immigrants

Tasker Detail

Suspense Date: 8/13/2021 4:00 PM

Priority: Expedite

Role: Initiator

Category: Policy

Origin: Staff Initiated

Action: SA Sign

Owner: SAMR-MP-QL Quality of Life Division

Routing Matrix

Stage	Owner	Completed By	Action	Status	Action Date
1	SAMR MRA (SACO) Manpower and Reserve Affairs	Clemonts, Olivia A.	Approve	Completed	8/2/2021 5:05 PM
2	SAMR-ZA ASA(MRA)	Lewis, Mark R.	Approve	Completed	8/2/2021 5:47 PM
3	SAMR MRA (SACO) Manpower and Reserve Affairs	Clemonts, Olivia A.	Review Complete	Completed	8/2/2021 6:17 PM
4	DACS-ZDV-HR Human Resource Team, ECC	Clifford, Thomas J.	Review Complete	Completed	8/3/2021 9:24 AM
	Reviewer Comment: 20210803 - Tasker response modified. Staff Coordination verified. Minor edits to Tab A(S). Review Complete - MAJ Clifford				
5	DACS-ZDV-EDT Editor		Review Complete	Completed	8/3/2021 10:44 AM
	Reviewer Comment: 3 AUG 21: Review complete (LK).				
6	DACS-ZDV-ECC Executive Communications and Control	Janac, David M.	Review Complete	Completed	8/3/2021 11:19 AM
	Reviewer Comment: 3 Aug 21: Ready for VDAS review. Please expedite. For SA signature. This is to allow the Afghans access top AAFES.				
7	DACS-ZDV VDAS Vice Director of the Army Staff	Jankovich, Laura N.	Review Complete	Completed	8/3/2021 3:05 PM
8	DACS-ZD DAS Director of Army Staff	Piatt, Walter E.	Review Complete	Completed	8/3/2021 5:09 PM
	Reviewer Comment: Concur. v/r DAS				
9	DACS-ZBO OVCSA Office of the Vice Chief of Staff of the Army		Information Only	Active	
10	DACS-ZB VCSA Vice Chief of Staff of the Army	Martin, Joseph M.	Review Complete	Completed	8/3/2021 8:18 PM
	Reviewer Comment: Concur				
11	SAUS OUSA Office of the Under Secretary of the Army		Review Complete / Send Back to Previous Stage	Active	 20210805
	Reviewer Comment: Rcvd USA 20210804 - w/LTC Shaw				
12	DACS-ZAO OCSA Office of the Chief of Staff of the Army		Review Complete / Send Back to Previous Stage	Pending	
13	SASA OSA Office of the Secretary of the Army		Review Complete / Send Back to Previous Stage	Pending	

SECARMY HAS SEEN

Tasker Response

RECOMMENDATION(S): SA Sign Tab A (S)

KEY POINT(S):

-- Afghan Special Immigrants (ASI), which include Afghan interpreter partners and their families, currently include 250 individuals residing on

the installation. There will be additional ASI flights arriving in the next six to twelve months and the number may reach 3500.

- The OAR mission requires ASI to reside and remain on the Fort Lee Installation for an indefinite period of time while their Special Visa Applications (SIVA) are processed. There is no ability for ASI to leave the Installation and purchase commercial items from the local community. It would be a hardship and have a negative impact on the mental health of those ASI who use tobacco products to restrict their access to those products.
- Due to the extraordinary OAR mission and the cultural necessity of tobacco, in order to alleviate any ASI conditions of personal hardship, Fort Lee requests ASI guests have the ability to not only purchase items necessary for an individual's health, food and beverage but also tobacco products from Fort Lee AAFES.
- IAW AR 215-8, the Secretary of the Army has the authority to approve patronage exceptions for AAFES.

STAFF ACTION DOCUMENT(S): Portfolio in FINAL DOCUMENTS.

TAB A(S) SECARMY Response to Ft Lee ASI

TAB B CG AAFES Exception Memo Request ASI - 30 JUL 1330

TAB C AR 215-8 (applicable excerpts)

OPR: ASA M&RA

OPR ACTION OFFICER: [REDACTED]

STAFF COORDINATION:

ODCS, G9 [REDACTED] - concur no comments, 2 Aug 21

OGC [REDACTED] NLO, Edits in Supporting Documents, 2 Aug 21

ASA M&RA, [REDACTED] concur, 2 Aug 21

Response E-Mails - No Response E-Mails to display

Lead Organization

Owner	Team	Status	Date
[REDACTED]	SAMR-MP-QL Quality of Life Division	In SLAP Review	8/2/2021 3:24 PM

Remarks: RECOMMENDATION(S): SA Sign Tab A (S)

KEY POINT(S):

- Afghan Special Immigrants (ASI), which include Afghan interpreter partners and their families, currently include 250 individuals residing on the installation. There will be additional ASI flights arriving in the next six to twelve months and the number may reach 3500.
- The OAR mission requires ASI to reside and remain on the Fort Lee Installation for an indefinite period of time while their Special Visa Applications (SIVA) are processed. There is no ability for ASI to leave the Installation and purchase commercial items from the local community. It would be a hardship and have a negative impact on the mental health of those ASI who use tobacco products to restrict their access to those products.
- Due to the extraordinary OAR mission and the cultural necessity of tobacco, in order to alleviate any ASI conditions of personal hardship, Fort Lee requests ASI guests have the ability to not only purchase items necessary for an individual's health, food and beverage but also tobacco products from Fort Lee AAFES.
- IAW AR 215-8, the Secretary of the Army has the authority to approve patronage exceptions for AAFES.

STAFF ACTION DOCUMENT(S): Portfolio in FINAL DOCUMENTS.

TAB A(S) SECARMY Response to Ft Lee ASI

TAB B CG AAFES Exception Memo Request ASI - 30 JUL 1330

TAB C AR 215-8 (applicable excerpts)

OPR: ASA M&RA

OPR ACTION OFFICER: [REDACTED]

STAFF COORDINATION:

ODCS, G9 [REDACTED] - concur no comments, 2 Aug 21

OGC [REDACTED] - NLO, Edits in Supporting Documents, 2 Aug 21

ASA M&RA, [REDACTED] concur, 2 Aug 21

Legal Review

Owner	Team	Status	Date
[REDACTED]	SAGC-OP Operations and Personnel	Completed	8/2/2021 3:48 PM
<p>Remarks: OGC/[REDACTED]/2 Aug 21 - NLO; see minor grammatical edit to draft SecArmy memo (uploaded with "track changes" to Supporting Documents folder).</p> <p>RECOMMENDATION(S) [to the Army Senior Leadership (i.e. SA, CSA, USA, VCSA, DAS)]:</p> <p>KEY POINT(S):</p> <p>STAFF ACTION DOCUMENT(S) [Tab A, Tab B, etc.]:</p> <p>OFFICE OF PRIMARY RESPONSIBILITY (OPR)/Lead Organization [Senior Approval Authority of OPR/Lead, Date, Concur/Non-concur]:</p> <p>OPR ACTION OFFICER [POC, Name, Phone]:</p> <p>STAFF COORDINATION [Agency Name, POC, Date, Concur/Non-concur (include summary if non-concur)]:</p>			

Consolidated Responses

Owner	Team	Status	Date
Mr Matthews, James C	DAIN-SF Installation Soldier and Family Readiness Division	Completed	8/2/2021 3:32 PM
<p>Remarks: ODCS G-9, DAIN-SF concurs without comment.</p> <p>DAIN-SF POC: James C. Matthews, GS-15</p>			
SES Lewis, Mark R	SAMR-ZA ASA(MRA)	Completed	8/2/2021 5:47 PM
Remarks: Approve			
BG Belanger, Kris A	AHRC-ZB Deputy Commanding General	Completed	8/2/2021 4:07 PM
Remarks: Concur with document as written.			



SECRETARY OF THE ARMY
WASHINGTON

05 AUG 2021

MEMORANDUM THRU Commanding General, Combined Arms Support Command,
2221 Adams Ave, Fort Lee, VA 23801

FOR Commander, Headquarters, United States Army Garrison, Fort Lee, U.S. Army
Installation Management Command, 3312 Ave, Fort Lee, VA 23801

SUBJECT: Approval of Exception to Army Regulation 215-8 (Army and Air Force
Exchange Service Operations) for Afghan Special Immigrants to Purchase Limited
Tobacco Products from Army and Air Force Exchange Service

1. References.

a. Army Regulation 215-8 (Army and Air Force Exchange Service Operations), 5
October 2012.

b. U.S. Army Installation Management Command (AMIM-LEG-ZA) memorandum
(Request for Exception to Army Regulation (AR) 215-8 - Armed Services Exchange
Service for Afghan Special Immigrants Authorization and Patronage to Enter/Purchase
from Army and Air Force Exchange Service), 30 July 2021.

2. I approve your request for an exception to AR 215-8 to allow Afghan Special
Immigrants (ASIs) limited exchange privileges to include health, food, beverage, and
tobacco products for personal use on Fort Lee, VA. I am basing this approval on the
unique and extraordinary Operation Allies Refuge (OAR) mission and the potential
hardship those ASIs may face.

3. Requests for similar exceptions to policy at other Army locations must be submitted
to me for approval. This exception expires 1 year from the date of signature or the end
of OAR, whichever is sooner.

4. My point of contact is [REDACTED]
[REDACTED]

Christine E. Wormuth



UNITED STATES ARMY
THE CHIEF OF STAFF

MEMORANDUM FOR RECORD

29 JUL 2021

SUBJECT: Delegation of Authority

1. Submit the following actions to Vice Chief of Staff, Army to make staffing recommendations on my behalf from 1 August 2021 to 5 August 2021.

- a. Promotion Selection Board Results.
- b. TMT Actions.
- c. Red Tops and Congressional Reports not requiring CSA signature.

2. The point of contact is [REDACTED] or [REDACTED]


JAMES C. McCONVILLE
General, United States Army



AMIM-LEG-ZA (800D)

MEMORANDUM THRU

Deputy Chief of Staff, G-9 (DAIN-ZA), 600 Army Pentagon, Washington, DC 20310-0600

Commanding General, Combined Arms Support Command (ATCL-CG), 2221 Adams Avenue, Fort Lee, VA, 23802-2102

FOR Secretary of the Army, 101 Army Pentagon, Washington, DC 20310-0101

SUBJECT: Request for Exception to Army Regulation (AR) 215-8 - Armed Services Exchange Service for Afghan Special Immigrants (ASI) Authorization and Patronage to Enter/Purchase from Army and Air Force Exchange Service (AAFES)

1. The Combined Arms Support Command (CASCOM) and Fort Lee are currently facilitating Operation Allies Refuge (OAR). In support of the Afghan Special Immigrants (ASI), and pursuant to AR 215-8, para. 7-8, CASCOM requests a patronage exception to AR 215-8, para. 7-10 to allow for limited AAFES exchange privileges to be granted to ASI including purchase of items necessary for an individual's health, food, beverage and tobacco products.

2. The ASI, which include our Afghan interpreter partners and their families, currently include 250 individuals residing on the installation. There will be additional ASI flights arriving in the next six to twelve months and the number may reach 3500. The OAR mission requires ASI to reside and remain on the Fort Lee Installation for an indefinite period of time while their Special Visa Applications (SIVA) are processed. There is no ability for ASI to leave the Installation and purchase commercial items from the local community. It would be a hardship and have a negative impact on the mental health of those ASI who use tobacco products to restrict their access to those products.

3. There is no category in AR 215-8 which is directly applicable to our ASI guests. For the above reasons, ASI guests could be considered akin to multiple categories of individuals who have limited exchange privileges to include "Visitors to military installations" (entitled to food and beverage); "Foreign national active duty officers and enlisted members, when visiting U.S. military installations on unofficial business" (entitled to all exchange privileges in quantities for personal use); and "Persons Suffering From Hardship" (entitled to small quantities of gasoline, oil, other automotive items, or items necessary for an individual's health).

4. Due to the extraordinary OAR mission and the cultural necessity of tobacco, in order to alleviate any ASI conditions of personal hardship, request that our ASI guests have the ability to not only purchase items necessary for an individual's health, food and beverage but also tobacco products from Fort Lee AAFES.

5. The point of contact for this memorandum is COL LaJohnne Morris, Staff Judge Advocate at [REDACTED]il.

KARIN L. WATSON
COL, MP
Commanding

