

**Army Regulation 500-1**

**Emergency Employment of Army and Other  
Resources**

# **Aircraft Piracy Emergencies**

**Headquarters  
Department of the Army  
Washington, DC  
6 October 1972**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 500-1

Aircraft Piracy Emergencies

Emergency Employment of Army and Other Resources

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By Order of the Secretary of the Army:

BRUCE PALMER, JR.  
General, United States Army  
Acting Chief of Staff

Official:

VERNE L. BOWERS  
Major General, United States Army  
The Adjutant General

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**History.** This UPDATE issue is a reprint of the original form of this regulation that was published on 6 October 1972. Since that time, no changes have been issued to amend the original.

**Summary.** Not applicable

**Army management control process.** Not applicable

**Supplementation.** Local supplementation of this regulation is prohibited except upon approval of the Director of Military Support (HQDA (DACS-MS), WASH DC 20310).

**Suggested Improvements.** The proponent agency of this regulation is the Office of the Chief of Staff. Users are invited to send

comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) directly to HQDA (DACS-MS), WASH DC 20310.

**Distribution.** To be distributed in accordance with DA Form 12-9A requirements for AR, Emergency Employment of Army Resources: Active Army: A (qty rqr block No. 398); ARNG: D (qty rqr block No. 401); USAR: A (qty block No. 398).

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\*This regulation supersedes DA message DACS-MSR-J 082310Z Jul 72 (U), subject: Aircraft Piracy Emergencies.

**RESERVED**

## 1. Purpose

This regulation implements Deputy Secretary of Defense Memorandum, "Support of Civil Authorities in Airplane Hijacking Emergencies," dated 29 June 1972 (NOTAL), and contains policy and procedures for providing Department of the Army resources in support of Federal civil authorities in aircraft piracy emergencies.

## 2. Background and authority

Requests for assistance have been received from other Federal agencies on an emergency basis in connection with recent incidents of airplane hijacking. Normally, there are limitations upon the assistance which may be provided to other Federal agencies because of the so-called Posse Comitatus Act, 18 U.S.C. 1385, which prohibits the use of any part of the Army or the Air Force to execute or enforce the laws except as authorized by the Constitution or Act of Congress. Assistance to other Federal agencies in this case is based on the two constitutional exceptions to the Posse Comitatus Act. First, the United States Government in emergency situations has the inherent legal right to use military resources to prevent loss of life or wanton destruction of property when sudden or unexpected disturbances or disasters threaten either. Secondly, the Government has the inherent right to use military force to protect Federal property and functions. Department of Defense (DOD) announced in its memorandum pertaining to this matter that it is appropriate for DOD to assist other Federal agencies in the protection of the airways, which are considered part of the public domain and over which the Federal Government exercises exclusive rights of a proprietary nature. Accordingly, the Department of the Army will furnish on an emergency basis, the aircraft, personnel, communications and other specialized equipment necessary to assist Federal civil authorities in aircraft piracy emergencies. Provision of military resources in these cases will be in a support capacity as distinguished from an offensive one, and military personnel will not be permitted to apprehend violators of the criminal law.

## 3. Type of support provided

The Department of the Army shall, consistent with defense priorities, furnish personnel, transport aircraft, helicopters, flares, parachutes, communications equipment and such other support as may be necessary to assist Federal civil authorities in aircraft piracy emergencies. Provision of such support shall be subject, however, to the restrictions set out in paragraph 6.

## 4. Approving authority

*a.* Normally, all requests for support shall be approved by the General Counsel of the Department of Defense, or his authorized representative.

*b.* In urgent cases, the Deputy Director for Operations, National Military Command Center may approve requests upon his own responsibility (subject to a later report to the Chairman of the Joint Chiefs of Staff and the DOD General Counsel).

## 5. Procedures

*a.* DOD approved requirements assigned to the Department of the Army will be passed by the Directorate of Military Support (DOMS) to the major Army command, Army staff agency, or other appropriate command by telephone with confirmation by electrical message to follow. The Directorate of Military Support will assign each requirement a Department of the Army identification number. The command or agency assigned to provide the required support will, at the earliest time, contact the designated Federal civil official and confirm the details of the requirement. Modification of a requirement to perform the mission more efficiently is authorized provided the designated Federal civil official agrees.

*b.* Requests for assistance received from Federal civil authorities by field commands or agencies will be forwarded through established command channels by telephone (confirmed by electrical message) to the Directorate of Military Support Watch Team

(DACS-MSO-W). Such requests will then be submitted to the National Military Command Center for processing. Requests should include as a minimum, the following information:

(1) Unit receiving request and date received.

(2) Requesting agency or individual. (Be specific: e.g., Special Agent in Charge John Doe, Federal Bureau of Investigation, Anytown, USA, telephone code 123-456-7890.)

(3) Person to whom to report. (Be specific: e.g., Special Agent in Charge, Federal Bureau of Investigation, Anytown, USA, telephone code 123-456-7890, 080015 April 1972.)

(4) Support requested. (Detail type of equipment involved and number of personnel needed to operate it, if appropriate.)

(5) Availability of requested support.

(6) Anticipated duration of request.

(7) Whether support is not otherwise reasonably available from police or commercial sources. (This information should be obtained from requester.)

## 6. Restrictions

Military personnel engaged in providing support may not participate in the actual apprehension of suspected aircraft pirates nor shall military aircraft, fixed wing or helicopter, or other vehicle be used as platforms for gunfire or the use of other weapons against suspected aircraft pirates. When authorized through Headquarters, Department of the Army, State or Federal civil authorities may be moved to the vicinity of the activity by US Army aircraft or vehicles, but they have the sole responsibility for subduing suspects and making arrests. All DA military and civilian personnel, prior to participating in the type of operation contemplated by this regulation, shall be advised of the aforementioned restrictions.

## 7. Operational reporting

*a.* Commands and agencies providing support will make an initial report through established command channels by telephone to the Directorate of Military Support Watch Team (DACS-MSO-W), The Pentagon, and confirm by electrical message to the Department of the Army, ATTN: DACS-MSO-W. These reports are exempt from reports control under the provisions of paragraph 7-2o, AR 335-15. Initial reports will include as much detail as is available. The following should serve as a guide in submitting reports:

(1) Unit providing support.

(2) Home station of unit providing support.

(3) Support provided and duration of requirement.

(4) Changes, if any, made by Federal civil official in charge in support requested or duration of requirement.

(5) Additional remarks.

*b.* A final report indicating termination of support requirement will be made in a similar manner.

## 8. Funding

Participation of Federal Armed Forces in aircraft piracy emergencies is an unprogrammed requirement for which the Department of the Army does not include amounts in its military budget or retain fund reserves. Therefore, it is necessary for the command or agency designated to provide the required support to initially absorb costs incurred within existing fund availability. Costs which are in addition to normal operating expenses will be reimbursed by the Federal agency which requested Army participation, but a formal agreement to reimburse is not required as a condition of providing support authorized by this regulation.

## 9. Accounting

Policy and procedures related to Department of Army resources provided to Federal civil authorities under the provisions of this regulation shall be governed by AR 37-27. Determination and recording of costs, establishment of accounts receivable, collections, and reporting will be accomplished in accordance with procedures of applicable regulations.

## 10. Reimbursements

*a.* In carrying out the policy and procedures of this regulation, it

is essential that the validity of charges and billing be effected promptly to expedite the reimbursement to the command or agency appropriations which were utilized to provide the support.

*b.* All billings will be prepared by the command or agency designated to furnish the requested assistance on Standard Form 1080 billing documents, supported as required by the requesting Federal agency. These will be submitted directly to the appropriate agency within 30 days of completion of assistance provided for each specific request.

*c.* Military expenses incurred which are in addition to normal operating expenses of the Army, and for which reimbursement should be obtained include:

(1) Pay of additional civilian personnel temporarily hired especially for requirements under this regulation.

(2) Overtime pay of DA civilian personnel.

(3) Travel and per diem expenses of Army personnel (military and civilian) in accordance with volumes 1 and 2, Joint Travel Regulations.

(4) Transportation of supplies and equipment.

(5) Cost of supplies, material and equipment furnished and not returned or damaged beyond economical repair; except Army aircraft, motor vehicles or watercraft.

(6) Cost of repairing or reconditioning nonconsumable items returned.

(7) Cost of packing and crating supplies and equipment.

(8) Cost of petroleum, oil, and other lubricants (including aviation POL).

(9) Port (air, ocean, inland-waterway) loading, off-loading, and handling costs.

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