

**DOD 7000.14-R, VOLUME 12, CHAPTER 27
COMMANDER'S EMERGENCY RESPONSE PROGRAM (CERP)**

**This is a new Department of Defense Financial Management Regulation
("DoDFMR") chapter.**

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CHAPTER 27

COMMANDER’S EMERGENCY RESPONSE PROGRAM (CERP)

2701 REFERENCES

A. Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law No. 108-375, section 1201.

B. Under Secretary of Defense (Comptroller) (USD(C)) Memorandum, subject: “Guidance on the Use of Appropriated Funds for the Commander’s Emergency Response Program,” dated November 25, 2003 (hereby rescinded).

C. DoD Directive 5101.1, “DoD Executive Agents,” September 23, 2002.

2702 PURPOSE AND APPLICABILITY

270201. This guidance implements Reference A by assigning responsibilities for administering the Commander’s Emergency Response Program (CERP); defining the purposes for which U.S. appropriations or other funds provided for the CERP may be expended; and specifying the procedures for executing, managing, recording and reporting such expenditures.

270202. The CERP is designed to enable local commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population. The CERP may be used to assist the Iraqi and Afghan people in the following representative areas:

- A. Water and sanitation;
- B. Food production and distribution;
- C. Agriculture;
- D. Electricity;
- E. Healthcare;
- F. Education;
- G. Telecommunications;
- H. Economic, financial and management improvements;
- I. Transportation;

- J. Rule of law and governance;
- K. Irrigation;
- L. Civic cleanup activities;
- M. Civic support vehicles;
- N. Repair of civic and cultural facilities; and
- O. Other urgent humanitarian or reconstruction projects.

270203. This guidance applies to all organizational entities within DoD. A requirement to comply with this guidance shall be incorporated into contracts, as appropriate. It covers the execution, management, recording and reporting of expenditures of U.S. appropriations and other funds made available for the CERP.

2703 RESPONSIBILITIES

270301. Under Secretary of Defense (Comptroller) (USD(C)). The USD(C) shall establish and supervise the execution of principles, policies and procedures to be followed in connection with the CERP, and ensure that congressional oversight committees are timely informed of CERP activities through the quarterly reports required under subsection (b) of Reference A.

270302. Secretary of the Army. Pursuant to Reference C, the Secretary of the Army shall serve as executive agent for the CERP, and in that capacity shall promulgate detailed procedures as necessary to ensure that unit commanders carry out the CERP in a manner consistent with applicable laws, regulations, and this guidance. These procedures shall include rules for expending CERP funds through contracts and grants, in accordance with paragraph 270408, below.

270303. Commander, U.S. Central Command (USCENTCOM). The Commander, USCENTCOM shall determine the appropriate allocation of CERP funds between commands and advocate for appropriate resources and authorities in support of the theater's military global war on terrorism mission.

2704 PROCEDURES

270401. Proper Usage of Funds. Appropriated funds made available for the CERP shall not be used for the following purposes:

- A. Direct or indirect benefit to U.S. or Multi-National Force-Iraq (MNF-I) personnel;

- B. Entertainment;
- C. Weapons buy-back programs, or other purchases of firearms or ammunition;
- D. Reward programs;
- E. Removal of unexploded ordnance;
- F. Duplication of services available through municipal governments; and
- G. Salaries of Iraqi or Afghan military or civilian government personnel

270402. Amount. Army shall notify USD(C) and CENTCOM J8 of individual CERP projects of \$1,000,000 or greater during the normal monthly reporting process. Notification shall include description of the project, an estimated length of completion, and a statement on how the project supports the purpose of the CERP.

270403. Commingling of Funds. Consistent with Volume 5, Chapter 2, of this Regulation, U.S. appropriations made available for the CERP shall not be commingled with nonappropriated funds, and shall be separately executed, managed, recorded and reported.

270404. Allocation of Funds. The USD(C) shall ensure that DoD appropriations and other funds available for the CERP are properly allocated to Army for funds control and execution. Commander, USCENTCOM will notify Army of the appropriate inter-theater allocation.

270405. Delivery, Transporting and Safeguarding of Funds. Any funds made available for the CERP shall be delivered, transported and safeguarded consistent with Volume 5, Chapter 3, of this Regulation.

270406. Appointment of Pay Agents. Pay agents responsible for making disbursements of funds under the CERP shall be appointed consistent with Volume 5, Chapter 2, of this Regulation.

270407. Documentation of Payments. Payments under the CERP shall be documented consistent with Volume 5, Chapter 11 and Volume 10, Chapter 9, of this Regulation.

270408. Contracts and Grants. U.S. appropriations and other funds made available for the CERP may be expended through contracts and grants that are prepared and executed in accordance with regulations designed to ensure transparency, fairness and accountability. To the

maximum extent practicable, these regulations shall be consistent with Coalition Provisional Authority Memorandum Number 4, Contract and Grant Procedures Applicable to Vested and Seized Iraqi Property and the Development Fund for Iraq, dated August 19, 2003.

270409. Clearance of Accounts. Accounts maintained under the CERP shall be cleared consistent with Volume 5, Chapter 2, of this Regulation.

270410. Certification of Payments. Payments made under the CERP shall be certified in a manner consistent with Volume 5, Chapter 33, of this Regulation.

270411. Audits and Program Reviews. The administration of the CERP will be subject to periodic audits by DoD's internal review and audit organizations, including the DoD Inspector General and the Army Audit Agency, as well as external organizations such as the Government Accountability Office and congressional oversight committees. All officials responsible for administering the CERP shall cooperate fully with any review, audit or investigation conducted by such organizations.

2705 REPORTS AND NOTIFICATIONS

270501. Not later than the fifteenth day of each month, Army shall submit to the USD(C), a CERP Project Status Report documenting all payments made under the CERP since the date of the previous report. Army will provide a copy of the report to USCENTCOM J8 and the Joint Staff, J8. The CERP Project Status Report shall contain the following information:

- A. Unit;
- B. Project Number;
- C. Payment Date;
- D. Type of Funds (U.S. appropriations, Development Fund for Iraq, vested, seized, or other);
- E. Description, amount, and location of project; and
- F. Cumulative totals of CERP funds allocated, committed, obligated and disbursed, by type of CERP funds.

270502. Army, with the support of USD(C), shall be responsible for submitting to Congress the quarterly reports required under Reference A.

270503. Army in coordination with Commander, USCENTCOM shall Promptly notify the USD(C) and the DoD General Counsel of any provisions of law that (if not waived) would prohibit, restrict, limit, or otherwise constrain the exercise of the authority provided by Reference A or any other provision of law using funds available for the purpose of enabling U.S.

military commanders in Iraq or Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

2706. WAIVERS

Requests for waivers or exceptions to any provision of law that would (but for the waiver) prohibit, restrict, limit or otherwise constrain the execution of the CERP must be submitted through the USD(C) and DoD General Counsel to the Secretary of Defense for approval.