§ 398a and amended Pub. L. 118–31, div. A, title XV, § 1501, title XVIII, § 1801(a)(6), (7), Dec. 22, 2023, 137 Stat. 533, 683.)

Editorial Notes

REFERENCES IN TEXT

The War Powers Resolution, referred to in subsec. (h), is Pub. L. 93–148, Nov. 7, 1973, 87 Stat. 555, which is classified generally to chapter 33 (§ 1541 et seq.) of Title 50, War and National Defense. For complete classification of this Resolution to the Code, see Short Title note set out under section 1541 of Title 50 and Tables.

AMENDMENTS

2023—Pub. L. 118–31, §§ 1501(1), 1801(a)(6), made identical amendments, renumbering section 398 of this title relating to pilot program for sharing cyber capabilities and related information with foreign operational partners as this section.

Subsec. (b)(1)(A). Pub. L. 118–31, § 1801(a)(7)(A)(i), substituted ''subsection (a)'' for ''paragraph (a)''.

Subsec. (b)(2). Pub. L. 118–31, § 1801(a)(7)(A)(ii), substituted ''paragraph (1)'' for ''paragraph (a)''.

Subsec. (b)(3). Pub. L. 118–31, § 1801(a)(7)(A)(iii), substituted ''paragraph (1)'' for ''clause (1)''.

Subsec. (e). Pub. L. 118–31, § 1801(a)(7)(B), substituted ''subsection (a)'' for ''paragraph (a)''.

Subsecs. (f) to (h). Pub. L. 118–31, § 1501(2), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

§ 399. Notifications relating to military operations in the information environment: requirement to notify Chief of Mission

The Secretary may not authorize a military operation in the information environment under this title intended to cause an effect in a country unless the Secretary fully informs the chief of mission for that country under section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) of the planned operation.

(Added Pub. L. 117–263, div. A, title XV, § 1521, Dec. 23, 2022, 136 Stat. 2897.)

CHAPTER 20—HUMANITARIAN AND OTHER ASSISTANCE

Sec.

401. Humanitarian and civic assistance provided in conjunction with military operations.
402. Transportation of humanitarian relief supplies to foreign countries.
[403. Repealed.]
404. Foreign disaster assistance.
405. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.
[406. Renumbered.]
407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations.
408. Assistance in support of Department of Defense accounting for missing United States Government personnel.
409. Center for Complex Operations.
[410. Repealed.]

Editorial Notes

PRIOR PROVISIONS

Chapter was comprised of subchapter I, sections 401 to 404, and subchapter II, section 410, prior to amendment by Pub. L. 104–106, div. A, title V, § 571(c), Feb. 10, 1996, 110 Stat. 353, which struck out headings for subchapters I and II.

AMENDMENTS

2023—Pub. L. 118–31, div. A, title X, § 1042(a)(1), Dec. 22, 2023, 137 Stat. 388, substituted ''Assistance in support of'' for ''Equipment and training of foreign personnel to assist in'' in item 408. Amendment was made pursuant to operation of section 102 of this title.

2011—Pub. L. 112–81, div. A, title X, § 1092(b)(2), Dec. 31, 2011, 125 Stat. 1606, added item 407 and struck out former item 407 ''Humanitarian demining assistance: authority; limitations''.

2008—Pub. L. 110–417, [div. A], title X, § 1031(b), Oct. 14, 2008, 122 Stat. 4590, added item 409.

Pub. L. 110–181, div. A, title XII, § 1207(b), Jan. 28, 2008, 122 Stat. 367, added item 408.

2006—Pub. L. 109–364, div. A, title XII, § 1203(b)(2), Oct. 17, 2006, 120 Stat. 2415, added item 407.

1996—Pub. L. 104–106, div. A, title X, § 1061(g)(2), title XIII, § 1301(b), Feb. 10, 1996, 110 Stat. 443, 473, which directed amendment of table of sections at beginning of subchapter I of this chapter by striking out item 403 and adding item 405, were executed by striking out item 403 ''International peacekeeping activities'' and adding item 405 in analysis for this chapter to reflect the probable intent of Congress and amendments by Pub. L. 104–106, § 571(c)(1), (2). See below.

Pub. L. 104–106, div. A, title V, § 571(c)(1), (2), Feb. 10, 1996, 110 Stat. 353, struck out subchapter analysis, consisting of items for subchapter I ''Humanitarian Assistance'' and subchapter II ''Civil-Military Cooperation'' and struck out subchapter I heading ''HUMANITARIAN ASSISTANCE''.

1994—Pub. L. 103–337, div. A, title XIV, § 1412(b), Oct. 5, 1994, 108 Stat. 2913, added item 404.

1992—Pub. L. 102–484, div. A, title X, § 1081(b)(2), title XIII, § 1342(c)(2), Oct. 23, 1992, 106 Stat. 2516, 2558, added subchapter analysis, subchapter I heading, and item 403.

1987—Pub. L. 100–180, div. A, title III, § 332(b)(6), Dec. 4, 1987, 101 Stat. 1080, substituted ''HUMANITARIAN AND OTHER ASSISTANCE'' for ''HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED IN CONJUNCTION WITH MILITARY OPERATIONS'' in chapter heading, ''Humanitarian and civic assistance provided in conjunction with military operations'' for ''Armed forces participation in humanitarian and civic assistance activities'' in item 401, and ''Transportation of humanitarian relief supplies to foreign countries'' for ''Approval of Secretary of State'' in item 402, and struck out items 403 ''Payment of expenses'', 404 ''Annual report to Congress'', 405 ''Definition of humanitarian and civic assistance'', and 406 ''Expenditure limitation''.

§ 401. Humanitarian and civic assistance provided in conjunction with military operations

(a)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian and civic assistance activities in conjunction with authorized military operations of the armed forces in a country if the Secretary concerned determines that the activities will promote—

(A) the security interests of both the United States and the country in which the activities are to be carried out; and

(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(2) Humanitarian and civic assistance activities carried out under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States. Such activities shall serve the basic economic

and social needs of the people of the country concerned.

(3) Humanitarian and civic assistance may not be provided under this section (directly or indirectly) to any individual, group, or organization engaged in military or paramilitary activity.

(b) Humanitarian and civic assistance may not be provided under this section to any foreign country unless the Secretary of State specifically approves the provision of such assistance.

(c)(1) Expenses incurred as a direct result of providing humanitarian and civic assistance under this section to a foreign country shall be paid for out of funds specifically appropriated for such purpose.

[(2), (3) Repealed. Pub. L. 109–364, div. A, title XII, §1203(a)(3), Oct. 17, 2006, 120 Stat. 2413.]

(4) Nothing in this section may be interpreted to preclude the incurring of minimal expenditures by the Department of Defense for purposes of humanitarian and civic assistance out of funds other than funds appropriated pursuant to paragraph (1), except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance.

(d) The Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report, not later than March 1 of each year, on activities carried out under this section during the preceding fiscal year. The Secretary shall include in each such report—

(1) a list of the countries in which humanitarian and civic assistance activities were carried out during the preceding fiscal year;

(2) the type and description of such activities carried out in each country during the preceding fiscal year; and

(3) the amount expended in carrying out each such activity in each such country during the preceding fiscal year.

(e) In this section, the term ''humanitarian and civic assistance'' means any of the following:

(1) Medical, surgical, dental, and veterinary care provided in areas of a country that are rural or are underserved by medical, surgical, dental, and veterinary professionals, respectively, including education, training, and technical assistance related to the care provided.

(2) Construction of rudimentary surface transportation systems.

(3) Well drilling and construction of basic sanitation facilities.

(4) Rudimentary construction and repair of public facilities.

(Added Pub. L. 99–661, div. A, title III, §333(a)(1), Nov. 14, 1986, 100 Stat. 3857; amended Pub. L. 100–180, div. A, title III, §332(b)(1)–(5), Dec. 4, 1987, 101 Stat. 1080; Pub. L. 100–456, div. A, title XII, §1233(g)(1), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 103–160, div. A, title XI, §1182(a)(1), title XV, §1504(b), Nov. 30, 1993, 107 Stat. 1771, 1839; Pub. L. 104–106, div. A, title XIII, §1313(a), (b), title XV, §1502(a)(8), Feb. 10, 1996, 110 Stat. 474, 475, 503; Pub. L. 104–201, div. A, title X, §1074(a)(2), title XIII, §1304, Sept. 23, 1996, 110 Stat. 2658, 2704; Pub. L. 106–65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 106–398, §1 [[div. A], title XII, §1235], Oct. 30, 2000, 114 Stat. 1654, 1654A–331; Pub. L. 108–375, div. A, title XII, §1221, Oct. 28, 2004, 118 Stat. 2089; Pub. L. 109–163, div. A, title XII, §1201, Jan. 6, 2006, 119 Stat. 3455; Pub. L. 109–364, div. A, title XII, §1203(a), Oct. 17, 2006, 120 Stat. 2413; Pub. L. 112–239, div. A, title X, §1076(f)(7), Jan. 2, 2013, 126 Stat. 1952.)

Editorial Notes

AMENDMENTS

2013—Subsec. (d). Pub. L. 112–239 substituted ''Committee on Foreign Affairs'' for ''Committee on International Relations'' in introductory provisions.

2006—Subsec. (a)(4). Pub. L. 109–364, §1203(a)(1), struck out par. (4) which read as follows: ''The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section that is described in subsection (e)(5)—

''(A) engages in the physical detection, lifting, or destroying of landmines or other explosive remnants of war (unless the member does so for the concurrent purpose of supporting a United States military operation); or

''(B) provides such assistance as part of a military operation that does not involve the armed forces.''

Subsec. (b). Pub. L. 109–364, §1203(a)(2), struck out ''(1)'' before ''Humanitarian'' and struck out par. (2) which read as follows: ''Any authority provided under any other provision of law to provide assistance that is described in subsection (e)(5) to a foreign country shall be carried out in accordance with, and subject to, the limitations prescribed in this section. Any such provision may be construed as superseding a provision of this section only if, and to the extent that, such provision specifically refers to this section and specifically identifies the provision of this section that is to be considered superseded or otherwise inapplicable under such provision.''

Subsec. (c)(2). Pub. L. 109–364, §1203(a)(3), struck out par. (2) which read as follows: ''Expenses covered by paragraph (1) include the following expenses incurred in providing assistance described in subsection (e)(5):

''(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing such assistance.

''(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting the activities described in subsection (e)(5), including any nonlethal, individual, or small-team equipment or supplies for clearing landmines or other explosive remnants of war that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.''

Subsec. (c)(3). Pub. L. 109–364, §1203(a)(3), struck out par. (3) which read as follows: ''The cost of equipment, services, and supplies provided in any fiscal year under paragraph (2)(B) may not exceed $10,000,000.''

Pub. L. 109–163, §1201(a), substituted ''$10,000,000'' for ''$5,000,000''.

Subsec. (e)(1). Pub. L. 109–163, §1201(b), inserted ''surgical,'' before ''dental,'' in two places and '', including education, training, and technical assistance related to the care provided'' before period at end.

Subsec. (e)(5). Pub. L. 109–364, §1203(a)(4), struck out par. (5) which read as follows: ''Detection and clearance of landmines and other explosive remnants of war, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines and other explosive remnants of war.''

2004—Subsec. (a)(4)(A). Pub. L. 108–375, §1221(b)(1), inserted ''or other explosive remnants of war'' after ''landmines''.

Subsec. (c)(2)(B). Pub. L. 108–375, §1221(b)(2), substituted ''equipment or supplies for clearing landmines or other explosive remnants of war'' for ''landmine clearing equipment or supplies''.

Subsec. (e)(5). Pub. L. 108–375, §1221(a), inserted ''and other explosive remnants of war'' after ''landmines'' in two places.

2000—Subsec. (e)(1). Pub. L. 106–398 substituted ''areas of a country that are rural or are underserved by medical, dental, and veterinary professionals, respectively'' for ''rural areas of a country''.

1999—Subsec. (d). Pub. L. 106–65 substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security'' in introductory provisions.

1996—Subsec. (a)(4). Pub. L. 104–201, §1074(a)(2)(A), substituted ''armed forces'' for ''Armed Forces'' in two places.

Pub. L. 104–106, §1313(b), added par. (4).

Subsec. (b). Pub. L. 104–201, §1304(b), designated existing provisions as par. (1) and added par. (2).

Subsec. (c)(2) to (4). Pub. L. 104–201, §1304(a), added pars. (2) and (3) and redesignated former par. (2) as (4).

Subsec. (d). Pub. L. 104–106, §1502(a)(8), substituted ''Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations'' for ''Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs''.

Subsec. (e). Pub. L. 104–201, §1074(a)(2)(B), inserted ''any of the following'' after ''means'' in introductory provisions.

Pub. L. 104–106, §1313(a)(1), substituted ''means:'' for ''means—'' in introductory provisions.

Subsec. (e)(1). Pub. L. 104–106, §1313(a)(2), (3), substituted ''Medical'' for ''medical'' and ''country.'' for ''country;''.

Subsec. (e)(2). Pub. L. 104–106, §1313(a)(2), (3), substituted ''Construction'' for ''construction'' and ''systems.'' for ''systems;''.

Subsec. (e)(3). Pub. L. 104–106, §1313(a)(2), (4), substituted ''Well'' for ''well'' and ''facilities.'' for ''facilities; and''.

Subsec. (e)(4). Pub. L. 104–106, §1313(a)(2), substituted ''Rudimentary'' for ''rudimentary''.

Subsec. (e)(5). Pub. L. 104–106, §1313(a)(5), added par. (5).

1993—Subsec. (c)(2). Pub. L. 103–160, §1504(b), inserted before period '', except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance''.

Subsec. (f). Pub. L. 103–160, §1182(a)(1), struck out subsec. (f) which read as follows: ''Not more than $16,400,000 may be obligated or expended for the purposes of this section during fiscal years 1987 through 1991.''

1988—Subsec. (c)(2). Pub. L. 100–456 substituted ''paragraph (1)'' for ''subsection (a)''.

1987—Pub. L. 100–180, §332(b)(1)(A), substituted ''Humanitarian and civic assistance provided in conjunction with military operations'' for ''Armed forces participation in humanitarian and civic assistance activities'' in section catchline.

Subsec. (a). Pub. L. 100–180, §332(b)(1)(B), (C), (5), redesignated former subsec. (a) as par. (1) and former cls. (1) and (2) as cls. (A) and (B), respectively, redesignated former subsecs. (b) and (c) as pars. (2) and (3), respectively, and substituted ''section'' for ''chapter'' wherever appearing.

Subsec. (b). Pub. L. 100–180, §332(b)(2), (5), struck out section catchline of former section 402 ''Approval of Secretary of State'', designated text of former section 402 as subsec. (b) of this section, and substituted ''section'' for ''chapter''.

Subsec. (c). Pub. L. 100–180, §332(b)(3), (5), struck out section catchline of former section 403 ''Payment of expenses'', redesignated former section 403(a) and (b) as subsec. (c)(1) and (2), respectively, of this section, and substituted ''section'' for ''chapter'' wherever appearing.

Subsec. (d). Pub. L. 100–180, §332(b)(4), (5), struck out section catchline of former section 404 ''Annual report to Congress'', designated text of former section 404 as subsec. (d) of this section, and substituted ''section'' for ''chapter''.

Subsec. (e). Pub. L. 100–180, §332(b)(4), (5), struck out section catchline of former section 405 ''Definition of humanitarian and civic assistance'', designated text of former section 405 as subsec. (e) of this section, and substituted ''section'' for ''chapter''.

Subsec. (f). Pub. L. 100–180, §332(b)(4), (5), struck out section catchline of former section 406 ''Expenditure limitation'', designated text of former section 406 as subsec. (f) of this section, and substituted ''section'' for ''chapter''.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (d) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

AUTHORITY TO CONDUCT ACTIVITIES TO ENHANCE THE CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION

Pub. L. 113–66, div. A, title XII, §1204, Dec. 26, 2013, 127 Stat. 896, as amended by Pub. L. 113–291, div. A, title XII, §1202, Dec. 19, 2014, 128 Stat. 3530; Pub. L. 114–92, div. A, title XII, §1273, Nov. 25, 2015, 129 Stat. 1076, provided authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction, prior to repeal by Pub. L. 114–328, div. A, title XII, §1241(d)(5)(B)(i), Dec. 23, 2016, 130 Stat. 2504, effective as of the date that is 270 days after Dec. 23, 2016.

REQUIREMENT TO ENSURE THE EFFECTIVENESS AND EFFICIENCY OF HEALTH ENGAGEMENTS

Pub. L. 112–239, div. A, title VII, §715, Jan. 2, 2013, 126 Stat. 1803, provided that:

''(a) IN GENERAL.—The Secretary of Defense, in coordination with the Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Health Affairs, shall develop a process to ensure that health engagements conducted by the Department of Defense are effective and efficient in meeting the national security goals of the United States.

''(b) PROCESS GOALS.—The Assistant Secretary of Defense for Health Affairs shall ensure that each process developed under subsection (a)—

''(1) assesses the operational mission capabilities of the health engagement;

''(2) uses the collective expertise of the Federal Government and non-governmental organizations to ensure collaboration and partnering activities; and

''(3) assesses the stability and resiliency of the host nation of such engagement.

''(c) ASSESSMENT TOOL.—The Assistant Secretary of Defense for Health Affairs may establish a measure of effectiveness learning tool to assess the process developed under subsection (a) to ensure the applicability of the process to health engagements conducted by the Department of Defense.

''(d) HEALTH ENGAGEMENT DEFINED.—In this section, the term 'health engagement' means a health stability operation conducted by the Department of Defense outside the United States in coordination with a foreign government or international organization to establish, reconstitute, or maintain the health sector of a foreign country.''

HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES

Pub. L. 103–337, div. A, title XIV, § 1413, Oct. 5, 1994, 108 Stat. 2913, required Secretary of Defense to carry out program for humanitarian purposes to provide assistance to other nations in detection and clearance of landmines, specified that such assistance was to be provided through instruction, education, training, and advising of personnel of those nations in procedures determined effective for detecting and clearing landmines, specified forms of assistance, required Secretary to ensure that no member of Armed Forces engaged in physical detection, lifting, or destroying of landmines (unless done for concurrent purpose of supporting United States military operations) or gave such assistance as part of military operation not involving Armed Forces, made funds available, specified uses of funds, and required Secretary to provide notice to Congress of activities carried out under the program, prior to repeal by Pub. L. 104–106, div. A, title XIII, § 1313(c), Feb. 10, 1996, 110 Stat. 475.

HUMANITARIAN AND CIVIC ASSISTANCE

Pub. L. 103–160, div. A, title XV, § 1504, Nov. 30, 1993, 107 Stat. 1839, provided that:

''(a) REGULATIONS.—The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.

''(b) LIMITATION ON USE OF FUNDS.—[Amended section 401(c)(2) of this title.]

''(c) NOTIFICATIONS REGARDING HUMANITARIAN RELIEF.—Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 [now 2561] of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation of such items.

''(d) REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the appropriate congressional committees a report on the activities planned to be carried out by the Department of Defense during fiscal year 1995 under sections 401, 402, 2547 [now 2557], and 2551 [now 2561] of title 10, United States Code. The report shall include information, developed after consultation with the Secretary of State, on the distribution of excess nonlethal supplies transferred to the Secretary of State during fiscal year 1993 pursuant to section 2547 of that title.

''(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1995 to Congress pursuant to section 1105 of title 31, United States Code.

''(e) AUTHORIZATION OF APPROPRIATIONS.—The funds authorized to be appropriated by section 301(18) [107 Stat. 1616] shall be available to carry out humanitarian and civic assistance activities under sections 401, 402, and 2551 [now 2561] of title 10, United States Code.

''(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations, the Committee on Armed Services [now Committee on National Security], and the Committee on Foreign Affairs of the House of Representatives; and

''(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.''

HUMANITARIAN ASSISTANCE; EMERGENCY TRANSPORTATION OF INDIVIDUALS

Pub. L. 102–396, title II, Oct. 6, 1992, 106 Stat. 1884, provided: ''That where required and notwithstanding any other provision of law, funds made available under this heading [Humanitarian Assistance] for fiscal year 1993 or thereafter, shall be available for emergency transportation of United States or foreign nationals or the emergency transportation of humanitarian relief personnel in conjunction with humanitarian relief operations.''

APPROPRIATION OF FUNDS FOR HUMANITARIAN AND CIVIC ASSISTANCE; ANNUAL REPORT TO CONGRESS ON OBLIGATIONS; USE OF CIVIC ACTION TEAMS IN TRUST TERRITORIES OF PACIFIC ISLANDS AND FREELY ASSOCIATED STATES OF MICRONESIA

Pub. L. 109–148, div. A, title VIII, § 8009, Dec. 30, 2005, 119 Stat. 2699, which appropriated funds pursuant to this section and authorized obligations for humanitarian and civic assistance costs under this chapter, with such obligations being reported as required by subsec. (d) of this section, and authorized the use of Civic Action Teams for the provision of assistance in the Trust Territories of the Pacific Islands and freely associated states of Micronesia and the provision of medical services at Army medical facilities in Hawaii upon a determination by the Secretary of the Army, was from the Department of Defense Appropriations Act, 2006 and was repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were contained in the following prior appropriations acts:

Pub. L. 108–287, title VIII, § 8009, Aug. 5, 2004, 118 Stat. 971.

Pub. L. 108–87, title VIII, § 8009, Sept. 30, 2003, 117 Stat. 1073.

Pub. L. 107–248, title VIII, § 8009, Oct. 23, 2002, 116 Stat. 1538.

Pub. L. 107–117, div. A, title VIII, § 8009, Jan. 10, 2002, 115 Stat. 2249, as amended by Pub. L. 108–136, div. A, title X, § 1031(j), Nov. 24, 2003, 117 Stat. 1605.

Pub. L. 106–259, title VIII, § 8009, Aug. 9, 2000, 114 Stat. 676.

Pub. L. 106–79, title VIII, § 8009, Oct. 25, 1999, 113 Stat. 1232.

Pub. L. 105–262, title VIII, § 8009, Oct. 17, 1998, 112 Stat. 2298.

Pub. L. 105–56, title VIII, § 8009, Oct. 8, 1997, 111 Stat. 1222.

Pub. L. 104–208, div. A, title I, § 101(b) [title VIII, § 8010], Sept. 30, 1996, 110 Stat. 3009–71, 3009–90.

Pub. L. 104–61, title VIII, § 8011, Dec. 1, 1995, 109 Stat. 653.

Pub. L. 103–335, title VIII, § 8011, Sept. 30, 1994, 108 Stat. 2619.

Pub. L. 103–139, title VIII, § 8012, Nov. 11, 1993, 107 Stat. 1439.

Pub. L. 102–396, title IX, § 9021, Oct. 6, 1992, 106 Stat. 1904.

Pub. L. 102–172, title VIII, § 8021, Nov. 26, 1991, 105 Stat. 1175.

Pub. L. 101–511, title VIII, § 8021, Nov. 5, 1990, 104 Stat. 1879.

Pub. L. 101–165, title IX, § 9031, Nov. 21, 1989, 103 Stat. 1135.

Pub. L. 100–463, title VIII, § 8051, Oct. 1, 1988, 102 Stat. 2270–25.

Pub. L. 100–202, § 101(b) [title VIII, § 8063], Dec. 22, 1987, 101 Stat. 1329–43, 1329–73.

§ 402. Transportation of humanitarian relief supplies to foreign countries

(a) Notwithstanding any other provision of law, and subject to subsection (b), the Secretary of Defense may transport to any country, without charge, supplies which have been furnished by a nongovernmental source and which are intended for humanitarian assistance. Such supplies may be transported only on a space available basis.

(b)(1) The Secretary may not transport supplies under subsection (a) unless the Secretary determines that—

(A) the transportation of such supplies is consistent with the foreign policy of the United States;

(B) the supplies to be transported are suitable for humanitarian purposes and are in usable condition;

(C) there is a legitimate humanitarian need for such supplies by the people or entity for whom they are intended;

(D) the supplies will in fact be used for humanitarian purposes; and

(E) adequate arrangements have been made for the distribution or use of such supplies in the destination country.

(2) The President shall establish procedures for making the determinations required under paragraph (1). Such procedures shall include inspection of supplies before acceptance for transport.

(3) It shall be the responsibility of the entity requesting the transport of supplies under this section to ensure that the supplies are suitable for transport.

(c)(1) Supplies transported under this section may be distributed by an agency of the United States Government, a foreign government, an international organization, or a private nonprofit relief organization.

(2) Supplies transported under this section may not be distributed, directly or indirectly, to any individual, group, or organization engaged in a military or paramilitary activity.

(d)(1) The Secretary of Defense may use the authority provided by subsection (a) to transport supplies intended for use to respond to, or mitigate the effects of, an event or condition, such as an oil spill, that threatens serious harm to the environment, but only if other sources to provide such transportation are not readily available.

(2) Notwithstanding subsection (a), the Secretary of Defense may require reimbursement for costs incurred by the Department of Defense to transport supplies under this subsection.

(e) Not later than July 31 each year, the Secretary of State shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report identifying the origin, contents, destination, and disposition of all supplies transported under this section during the 12-month period ending on the preceding June 30.

(Added Pub. L. 100–180, div. A, title III, §332(a), Dec. 4, 1987, 101 Stat. 1079; amended Pub. L. 101–510, div. A, title XIII, §1311(2), Nov. 5, 1990, 104 Stat. 1669; Pub. L. 104–106, div. A, title XV, §1502(a)(8), Feb. 10, 1996, 110 Stat. 503; Pub. L. 106–65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108–136, div. A, title III, §312(a), (b), Nov. 24, 2003, 117 Stat. 1429.)

Editorial Notes

Prior Provisions

A prior section 402 was renumbered section 401(b) of this title.

Amendments

2003—Subsec. (b)(1)(C). Pub. L. 108–136, §312(b)(1), inserted ''or entity'' after ''people''.

Subsec. (b)(1)(E). Pub. L. 108–136, §312(b)(2), inserted ''or use'' after ''distribution''.

Subsec. (b)(3). Pub. L. 108–136, §312(b)(3), substituted ''entity requesting the transport of supplies under this section to ensure that the supplies'' for ''donor to ensure that supplies to be transported under this section''.

Subsecs. (d), (e). Pub. L. 108–136, §312(a), added subsec. (d) and redesignated former subsec. (d) as (e).

1999—Subsec. (d). Pub. L. 106–65 substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security''.

1996—Subsec. (d). Pub. L. 104–106 substituted ''Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations'' for ''Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs''.

1990—Subsec. (d). Pub. L. 101–510 substituted ''Not later than July 31 each year'' for ''At the end of each six-month period'' and ''the 12-month period ending on the preceding June 30'' for ''such six-month period''.

Statutory Notes and Related Subsidiaries

Change of Name

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

Processing of Applications for Transportation of Humanitarian Assistance Abroad by Department of Defense

Pub. L. 106–309, title IV, §403, Oct. 17, 2000, 114 Stat. 1097, provided that:

''(a) Priority for Disaster Relief Assistance.—In processing applications for the transportation of humanitarian assistance abroad under section 402 of title 10, United States Code, the Administrator of the United States Agency for International Development shall afford a priority to applications for the transportation of disaster relief assistance.

''(b) Modification of Applications.—The Administrator of the United States Agency for International Development shall take all possible actions to assist applicants for the transportation of humanitarian assistance abroad under such section 402 in modifying or completing applications submitted under such section in order to meet applicable requirements under such section. The actions shall include efforts to contact such applicants for purposes of the modification or completion of such applications.''

First Report Deadline

Pub. L. 100–180, div. A, title III, §332(d), Dec. 4, 1987, 101 Stat. 1080, directed that first report under section 402(d) of this title be submitted not more than six months after the date on which the most recent report was submitted under section 1540(e) of the Department of Defense Authorization Act, 1985 (Pub. L. 98–525; 98 Stat. 2638).

Executive Documents

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of Title 22, Foreign Relations and Intercourse.

[§ 403. Repealed. Pub. L. 104–106, div. A, title X, §1061(g)(1), Feb. 10, 1996, 110 Stat. 443]

Section, added Pub. L. 102–484, div. A, title XIII, §1342(c)(1), Oct. 23, 1992, 106 Stat. 2557; amended Pub. L. 103–160, div. A, title XV, §1501(b), (c), Nov. 30, 1993, 107

Stat. 1836, related to international peacekeeping activities.

§ 404. Foreign disaster assistance

(a) IN GENERAL.—The President may direct the Secretary of Defense to provide disaster assistance outside the United States to respond to manmade or natural disasters when necessary to prevent loss of lives or serious harm to the environment.

(b) FORMS OF ASSISTANCE.—Assistance provided under this section may include transportation, supplies, services, and equipment.

(c) NOTIFICATION REQUIRED.—Not later than 48 hours after the commencement of disaster assistance activities to provide assistance under this section, the President shall transmit to Congress a report containing notification of the assistance provided, and proposed to be provided, under this section and a description of so much of the following as is then available:

(1) The manmade or natural disaster for which disaster assistance is necessary.

(2) The threat to human lives or the environment presented by the disaster.

(3) The United States military personnel and material resources that are involved or expected to be involved.

(4) The disaster assistance that is being provided or is expected to be provided by other nations or public or private relief organizations.

(5) The anticipated duration of the disaster assistance activities.

(d) ORGANIZING POLICIES AND PROGRAMS.—Amounts appropriated to the Department of Defense for any fiscal year for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States.

(e) LIMITATION ON TRANSPORTATION ASSISTANCE.—Transportation services authorized under subsection (b) may be provided in response to a manmade or natural disaster to prevent serious harm to the environment, when human lives are not at risk, only if other sources to provide such transportation are not readily available.

(Added Pub. L. 103–337, div. A, title XIV, § 1412(a), Oct. 5, 1994, 108 Stat. 2912; amended Pub. L. 108–136, div. A, title III, § 312(c), Nov. 24, 2003, 117 Stat. 1430.)

Editorial Notes

PRIOR PROVISIONS

A prior section 404 was renumbered section 401(d) of this title.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–136, § 312(c)(1), inserted ''or serious harm to the environment'' after ''loss of lives''.

Subsec. (c)(2). Pub. L. 108–136, § 312(c)(2), inserted ''or the environment'' after ''human lives''.

Subsec. (e). Pub. L. 108–136, § 312(c)(3), added subsec. (e).

Executive Documents

EX. ORD. NO. 12966. FOREIGN DISASTER ASSISTANCE

Ex. Ord. No. 12966, July 14, 1995, 60 F.R. 36949, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Defense Authorization Act for Fiscal Year 1995, Public Law 103–337 (the ''Act'') [see Tables for classification] and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. This order governs the implementation of section 404 of title 10, United States Code, as added by amendment set forth in section 1412(a) of the Act. Pursuant to 10 U.S.C. 404(a), the Secretary of Defense is hereby directed to provide disaster assistance outside the United States to respond to manmade or natural disasters when the Secretary of Defense determines that such assistance is necessary to prevent loss of lives. The Secretary of Defense shall exercise the notification functions required of the President by 10 U.S.C. 404(c).

SEC. 2. The Secretary of Defense shall provide disaster assistance only: (a) at the direction of the President; or

(b) with the concurrence of the Secretary of State; or

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

For the purpose of section 2(b) of this order, only the Secretary of State, or the Deputy Secretary of State, or persons acting in those capacities, shall have the authority to withhold concurrence. Concurrence of the Secretary of State is not required for the execution of military operations undertaken pursuant to, and consistent with, assistance provided in accordance with parts (b) and (c) of this section, or with respect to matters relating to the internal financial processes of the Department of Defense.

SEC. 3. In providing assistance covered by this order, the Secretary of Defense shall consult with the Administrator of the Agency for International Development, in the Administrator's capacity as the President's Special Coordinator for International Disaster Assistance.

SEC. 4. This order does not affect any activity or program authorized under any other provision of law, except that referred to in section 1 of this order.

SEC. 5. This order is effective at 12:01 a.m., e.d.t. on July 15, 1995.

WILLIAM J. CLINTON.

§ 405. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

(1) for the costs of a United Nations peacekeeping activity; or

(2) for any United States arrearage to the United Nations.

(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

(Added Pub. L. 104–106, div. A, title XIII, § 1301(a), Feb. 10, 1996, 110 Stat. 473.)

Editorial Notes

PRIOR PROVISIONS

A prior section 405 was renumbered section 401(e) of this title.

Statutory Notes and Related Subsidiaries

USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED NATIONS FORCES

Pub. L. 105–261, div. A, title XII, §1231(b), Oct. 17, 1998, 112 Stat. 2155, provided that: ''No funds available to the Department of Defense may be used—

''(1) for a monetary contribution to the United Nations for the establishment of a standing international force under the United Nations; or

''(2) to assign or detail any member of the Armed Forces to duty with a United Nations Stand By Force.''

[§ 406. Renumbered § 401(f)]

§ 407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations

(a) AUTHORITY.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may provide humanitarian demining assistance and stockpiled conventional munitions assistance to a country if the Secretary concerned determines that the assistance will promote either—

(A) the security interests of both the United States and the country to which the assistance is to be provided; or

(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(2) Humanitarian demining assistance and stockpiled conventional munitions assistance under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States.

(3) The Secretary of Defense shall ensure that no member of the armed forces, while providing humanitarian demining assistance under this section—

(A) engages in the physical detection, lifting, or destroying of landmines, unexploded explosive ordnance, or other explosive remnants of war (unless the member does so for the concurrent purpose of supporting a United States military operation); or

(B) provides such assistance as part of a military operation that does not involve the armed forces.

(b) LIMITATIONS.—(1) Humanitarian demining assistance and stockpiled conventional munitions assistance may not be provided under this section unless the Secretary of State specifically approves the provision of such assistance.

(2) Any authority provided under any other provision of law to provide humanitarian demining assistance or stockpiled conventional munitions assistance to a foreign country shall be carried out in accordance with, and subject to, the limitations prescribed in this section.

(c) EXPENSES.—(1) Expenses incurred as a direct result of providing humanitarian demining assistance or stockpiled conventional munitions assistance under this section to a foreign country shall be paid for out of funds specifically appropriated for the purpose of the provision by the Department of Defense of overseas humanitarian assistance.

(2) Expenses covered by paragraph (1) include the following:

(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing such assistance.

(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting humanitarian demining activities or stockpiled conventional munitions activities, including any nonlethal, individual, or small-team equipment or supplies for clearing landmines or other explosive remnants of war, or stockpiled conventional munitions, as applicable, that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

(C) Travel, transportation, and subsistence expenses of foreign personnel to attend training provided by the Department of Defense under this section.

(d) ANNUAL REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on activities carried out under this section during the preceding fiscal year, including—

(1) a list of the countries to which humanitarian demining assistance or stockpiled conventional munitions assistance was provided during the preceding fiscal year;

(2) the type and description of humanitarian demining assistance or stockpiled conventional munitions assistance provided to each country during the preceding fiscal year, as specified in paragraph (1), and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance;

(3) a list of countries to which humanitarian demining assistance or stockpiled conventional munitions assistance could not be provided during the preceding fiscal year due to insufficient numbers of Department of Defense personnel to carry out such activities or insufficient funding;

(4) the amount expended in providing such assistance to each such country during the preceding fiscal year; and

(5) a description of interagency efforts to coordinate and improve research, development, test, and evaluation for humanitarian demining technology and mechanical clearance methods, including the transfer of relevant counter-improvised explosive device technology with potential humanitarian demining applications.

(e) DEFINITIONS.—In this section:

(1) The term ''humanitarian demining assistance'', as it relates to training and support, means detection and clearance of landmines, unexploded explosive ordnance, and other explosive remnants of war, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines, unexploded explosive ordnance, and other explosive remnants of war.

(2) The term ''stockpiled conventional munitions assistance'', as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, small arms, and light weapons, including man-portable air-defense systems. Such term includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, small arms, and light weapons, including man-portable air-defense systems.

(Added Pub. L. 109–364, div. A, title XII, §1203(b)(1), Oct. 17, 2006, 120 Stat. 2413; amended Pub. L. 112–81, div. A, title X, §1092(a), (b)(1), Dec. 31, 2011, 125 Stat. 1605, 1606; Pub. L. 113–66, div. A, title X, §1083, Dec. 26, 2013, 127 Stat. 871; Pub. L. 113–291, div. A, title X, §§1041, 1071(f)(5), Dec. 19, 2014, 128 Stat. 3492, 3510; Pub. L. 114–328, div. A, title X, §1082, Dec. 23, 2016, 130 Stat. 2420; Pub. L. 115–91, div. A, title X, §1043, Dec. 12, 2017, 131 Stat. 1554; Pub. L. 117–263, div. A, title X, §1043, Dec. 23, 2022, 136 Stat. 2770.)

Editorial Notes

Amendments

2022—Subsec. (a)(1). Pub. L. 117–263, §1043(a)(1)(A), substituted ''provide'' for ''carry out'' and ''to a country'' for ''in a country'' in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 117–263, §1043(a)(1)(B), substituted ''to which the assistance is to be provided'' for ''in which the activities are to be carried out''.

Subsec. (c)(2)(C). Pub. L. 117–263, §1043(b)(1), added subpar. (C).

Subsec. (c)(3). Pub. L. 117–263, §1043(b)(2), struck out par. (3) which read as follows: ''The cost of equipment, services, and supplies provided in any fiscal year under this section may not exceed $15,000,000.''

Subsec. (d). Pub. L. 117–263, §1043(c), substituted ''submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on'' for ''include in the annual report under section 401 of this title a separate discussion of'' in introductory provisions.

Subsec. (d)(1). Pub. L. 117–263, §1043(a)(2)(A), substituted ''to which'' for ''in which'' and ''provided'' for ''carried out''.

Subsec. (d)(2). Pub. L. 117–263, §1043(a)(2)(B), substituted ''provided to'' for ''carried out in''.

Subsec. (d)(3). Pub. L. 117–263, §1043(a)(2)(C), substituted ''to which'' for ''in which'' and ''provided'' for ''carried out''.

Subsec. (d)(4). Pub. L. 117–263, §1043(a)(2)(D), substituted ''in providing such assistance to each such country'' for ''in carrying out such assistance in each such country''.

2017—Subsec. (a)(3). Pub. L. 115–91, §1043(a)(1), struck out ''or stockpiled conventional munitions assistance'' after ''demining assistance'' in introductory provisions.

Subsec. (a)(3)(A). Pub. L. 115–91, §1043(a)(2), inserted '', unexploded explosive ordnance,'' after ''landmines'' and struck out '', or stockpiled conventional munitions, as applicable'' after ''war''.

Subsec. (e)(1). Pub. L. 115–91, §1043(b), inserted '', unexploded explosive ordnance,'' after ''landmines'' in two places and substituted period at end for '', and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.''

Subsec. (e)(2). Pub. L. 115–91, §1043(c), struck out '', the detection and clearance of landmines and other explosive remnants of war,'' after ''explosive safety''.

2016—Subsec. (c)(3). Pub. L. 114–328 substituted ''$15,000,000'' for ''$10,000,000''.

2014—Subsec. (a)(3)(A). Pub. L. 113–291, §1071(f)(5), struck out comma after ''as applicable''.

Subsec. (d)(3). Pub. L. 113–291, §1041(a), inserted ''or insufficient funding'' after ''such activities''.

Subsec. (e)(2). Pub. L. 113–291, §1041(b), substituted ''small arms, and light weapons, including man-portable air-defense systems. Such term includes'' for ''and includes'' and inserted before period at end '', small arms, and light weapons, including man-portable air-defense systems''.

2013—Subsec. (d)(5). Pub. L. 113–66 added par. (5).

2011—Pub. L. 112–81, §1092(b)(1), amended section catchline generally, substituting ''Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations'' for ''Humanitarian demining assistance: authority; limitations''.

Subsec. (a)(1). Pub. L. 112–81, §1092(a)(1)(A), inserted ''and stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'' in introductory provisions.

Subsec. (a)(2). Pub. L. 112–81, §1092(a)(1)(B), inserted ''and stockpiled conventional munitions assistance'' after ''Humanitarian demining assistance''.

Subsec. (a)(3). Pub. L. 112–81, §1092(a)(1)(C)(i), inserted ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'' in introductory provisions.

Subsec. (a)(3)(A). Pub. L. 112–81, §1092(a)(1)(C)(ii), inserted '', or stockpiled conventional munitions, as applicable,'' after ''explosive remnants of war''.

Subsec. (b)(1). Pub. L. 112–81, §1092(a)(2)(A), which directed amendment by inserting ''and stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'', was executed by making the insertion after ''Humanitarian demining assistance'' to reflect the probable intent of Congress.

Subsec. (b)(2). Pub. L. 112–81, §1092(a)(2)(B), inserted ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''.

Subsec. (c)(1). Pub. L. 112–81, §1092(a)(3)(A), inserted ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''.

Subsec. (c)(2)(B). Pub. L. 112–81, §1092(a)(3)(B), inserted ''or stockpiled conventional munitions activities'' after ''humanitarian demining activities'' and inserted '', or stockpiled conventional munitions, as applicable,'' after ''explosive remnants of war''.

Subsec. (d). Pub. L. 112–81, §1092(a)(4)(A), inserted ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'' wherever appearing.

Subsec. (d)(2). Pub. L. 112–81, §1092(a)(4)(B), inserted '', and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance'' after ''paragraph (1)''.

Subsec. (e). Pub. L. 112–81, §1092(a)(5), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: ''In this section, the term 'humanitarian demining assistance', as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war, including activities related to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines and other explosive remnants of war.''

Statutory Notes and Related Subsidiaries

Termination of Reporting Requirements

For termination, effective Dec. 31, 2021, of provisions in subsec. (d) of this section requiring submittal of an-

nual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

AUTHORITY TO TRANSFER SURPLUS MINE-RESISTANT AMBUSH-PROTECTED VEHICLES AND SPARE PARTS

Pub. L. 112–239, div. A, title X, §1053, Jan. 2, 2013, 126 Stat. 1937, provided that:

''(a) AUTHORITY.—The Secretary of Defense is authorized to transfer surplus Mine-Resistant Ambush-Protected vehicles, including spare parts for such vehicles, to non-profit United States humanitarian demining organizations for purposes of demining activities and training of such organizations.

''(b) TERMS AND CONDITIONS.—Any transfer of vehicles or spare parts under subsection (a) shall be subject to the following terms and conditions:

''(1) The transfer shall be made on a loan basis.

''(2) The costs of operation and maintenance of the vehicles shall be borne by the recipient organization.

''(3) Any other terms and conditions as the Secretary of Defense determines to be appropriate.

''(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] in writing not less than 60 days before making any transfer of vehicles or spare parts under subsection (a). Such notification shall include the name of the organization, the number and model of the vehicle to be transferred, a listing of any spare parts to be transferred, and any other information the Secretary considers appropriate.''

§ 408. Assistance in support of Department of Defense accounting for missing United States Government personnel

(a) IN GENERAL.—The Secretary of Defense may provide assistance to any foreign nation to assist the Department of Defense with recovery of and accounting for missing United States Government personnel.

(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include the following:

(1) Equipment.

(2) Supplies.

(3) Services.

(4) Training of personnel.

(5) Funds.

(c) APPROVAL BY SECRETARY OF STATE.—Assistance may not be provided under this section to any foreign nation unless the Secretary of State specifically approves the provision of such assistance.

(d) LIMITATIONS.—(1) Except as provided in paragraph (2), the amount of assistance provided under this section in any fiscal year may not exceed $5,000,000.

(2) The Secretary may waive the limitation under paragraph (1) if the Secretary submits to the congressional defense committees notice of the waiver together with the reasons why the waiver is necessary.

(3) No assistance may be provided under this section to a foreign nation the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(e) CONSTRUCTION WITH OTHER ASSISTANCE.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations under law.

(f) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the preceding fiscal year.

(Added Pub. L. 110–181, div. A, title XII, §1207(a), Jan. 28, 2008, 122 Stat. 367; amended Pub. L. 112–81, div. A, title X, §1064(5), Dec. 31, 2011, 125 Stat. 1587; Pub. L. 118–31, div. A, title X, §1042(a), Dec. 22, 2023, 137 Stat. 388.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31, §1042(a)(1), substituted ''Assistance in support of'' for ''Equipment and training of foreign personnel to assist in'' in section catchline.

Subsec. (b)(5). Pub. L. 118–31, §1042(a)(2), added par. (5).

Subsec. (d). Pub. L. 118–31, §1042(a)(3), in heading, substituted ''Limitations'' for ''Limitation'', and, in text, substituted ''(1) Except as provided in paragraph (2), the'' for ''The'' and ''$5,000,000'' for ''$1,000,000'' and added pars. (2) and (3).

Subsec. (f). Pub. L. 118–31, §1042(a)(4), (5), added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: ''Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation to which the assistance was provided and include a description of the type and amount of the assistance provided.''

2011—Subsec. (f). Pub. L. 112–81 amended subsec. (f) generally. Prior to amendment, text read as follows:

''(1) Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year ending in such year.

''(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A listing of each foreign nation provided assistance under this section.

''(B) For each nation so provided assistance, a description of the type and amount of such assistance.''

§ 409. Center for Complex Operations

(a) CENTER AUTHORIZED.—The Secretary of Defense may establish a center to be known as the ''Center for Complex Operations'' (in this section referred to as the ''Center'').

(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

(2) To foster unity of effort during complex operations among—

(A) the departments and agencies of the United States Government;

(B) foreign governments and militaries;

(C) international organizations and international nongovernmental organizations; and

(D) domestic nongovernmental organizations.

(3) To conduct research; collect, analyze, and distribute lessons learned; and compile best practices in matters relating to complex operations.

(4) To identify gaps in the education and training of Department of Defense personnel, and other relevant United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

(c) CONCURRENCE OF THE SECRETARY OF STATE.—The Secretary of Defense shall seek the concurrence of the Secretary of State to the extent the efforts and activities of the Center involve the entities referred to in subparagraphs (B) and (C) of subsection (b)(2).

(d) SUPPORT FROM OTHER UNITED STATES GOVERNMENT DEPARTMENTS OR AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

(2) transfer funds to the Secretary of Defense to support the operations of the Center.

(e) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

(2) The sources specified in this paragraph are the following:

(A) The government of a State or a political subdivision of a State.

(B) The government of a foreign country.

(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

(D) Any source in the private sector of the United States or a foreign country.

(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department or of any person involved in such a program.

(4) The Secretary shall provide written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

(f) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

(g) DEFINITIONS.—In this section:

(1) The term ''complex operation'' means an operation as follows:

(A) A stability operation.

(B) A security operation.

(C) A transition and reconstruction operation.

(D) A counterinsurgency operation.

(E) An operation consisting of irregular warfare.

(2) The term ''gift or donation'' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).

(Added Pub. L. 110–417, [div. A], title X, §1031(a), Oct. 14, 2008, 122 Stat. 4589.)

[§ 410. Repealed. Pub. L. 104–106, div. A, title V, §571(a)(1), Feb. 10, 1996, 110 Stat. 353]

Section, added Pub. L. 102–484, div. A, title X, §1081(b)(1), Oct. 23, 1992, 106 Stat. 2515, related to Civil-Military Cooperative Action Program.

Statutory Notes and Related Subsidiaries

PILOT OUTREACH PROGRAM TO REDUCE DEMAND FOR ILLEGAL DRUGS

Pub. L. 102–484, div. A, title X, §1045, Oct. 23, 1992, 106 Stat. 2494, required Secretary of Defense to conduct pilot outreach program to reduce demand for illegal drugs, required program to include outreach activities by active and reserve components of Armed Forces and focus primarily on youths in general and inner-city youths in particular, and related to payment of travel and living expenses, funding, duration of program, and reporting requirements, prior to repeal by Pub. L. 104–106, div. A, title V, §571(b), Feb. 10, 1996, 110 Stat. 353.

CONGRESSIONAL FINDINGS

Pub. L. 102–484, div. A, title X, §1081(a), Oct. 23, 1992, 106 Stat. 2514, related to findings of Congress as to use of military resources to assist in addressing domestic needs, prior to repeal by Pub. L. 104–106, div. A, title V, §571(a)(2), Feb. 10, 1996, 110 Stat. 353.

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Editorial Notes

AMENDMENTS

1991—Pub. L. 102–88, title V, §504(a)(1), Aug. 14, 1991, 105 Stat. 437, added items for subchapters I and II.

Statutory Notes and Related Subsidiaries

MILITARY INTELLIGENCE COLLECTION AND ANALYSIS PARTNERSHIPS

Pub. L. 118–31, div. A, title XVI, §1621, Dec. 22, 2023, 137 Stat. 590, provided that:

''(a) USE OF FUNDS OTHER THAN APPROPRIATED FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Director of the Defense Intelligence Agency, in coordination with the Director of National Intelligence, may accept and expend funds from one or more foreign partners for the foreign partner (or partners, as the case may be) to share with the Defense Intel-