

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 non-profit 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.)

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 For-

eign Relations of the Senate and the Committee on National Security and the Committee on International Relations” for “Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs”.

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

CHANGE 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.

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.

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

Section 332(d) of Pub. L. 100-180 directed that first report under section 402(d) of this title be submitted not more than six months after the date on which the most recent report was submitted under section 1540(e) of the Department of Defense Authorization Act, 1985 (Pub. L. 98-525; 98 Stat. 2638).

[§ 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.)

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).

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