

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.)

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 subssecs. (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”.

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, provided that:

“(a) **AUTHORITY.**—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to the military and civilian first responder organizations of countries that share a border with Syria in order to enhance the capability of such countries to respond effectively to potential incidents involving weapons of mass destruction in Syria and the surrounding region.

“(b) **AVAILABILITY OF AUTHORITY FOR OTHER COUNTRIES.**—

“(1) **IN GENERAL.**—If the Secretary of Defense determines, with the concurrence of the Secretary of State, that the Department of Defense should provide the assistance authorized in subsection (a) to countries other than the countries described in subsection (a), the Secretary of Defense may provide such assistance to such other countries.

“(2) **LIMITATION.**—The Secretary of Defense may not provide assistance under paragraph (1) until the Secretary provides written notification to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of the Secretary’s intention to provide such assistance, together with an explanation of the scope of the assistance and the reasons for providing the assistance.

“(c) **AUTHORIZED ELEMENTS.**—Assistance provided under this section may include training, equipment, and supplies.

“(d) **AVAILABILITY OF FUNDS.**—

“(1) **FUNDS AVAILABLE.**—Amounts for assistance under this section in a fiscal year shall be derived from amounts authorized to be appropriated for the Department of Defense for Operation and Maintenance, Defense-wide, and available for the Defense Threat Reduction Agency for such fiscal year.

“(2) **AVAILABILITY ACROSS FISCAL YEARS.**—Amounts available under paragraph (1) may be available for assistance that begins in a fiscal year and ends in the next fiscal year.

“(e) **NOTICE TO CONGRESS ON CERTAIN ASSISTANCE.**—If the amount of assistance to be provided under this section in a fiscal year is anticipated to exceed \$4,000,000, 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 of that fact.

“(f) **INTERAGENCY COORDINATION.**—In carrying out this section, the Secretary of Defense shall comply with all applicable requirements for coordination and consultation within the Executive Branch.

“(g) **REPORTS.**—

“(1) **IN GENERAL.**—Not later than 90 days after the authority in subsection (a) is first exercised and 60 days after the end of any fiscal year in which the authority under this section is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the following:

“(A) A list of the countries to which the assistance has been or is being provided under the authority in this section, and a description of the assistance provided to each country under such authority.

“(B) A description of how such assistance advances the national security interests of the United States and is consistent with broader United States national security policy and strategy in each country provided assistance and within the applicable region.

“(C) The amount of funds used to provide such assistance to each country during the fiscal year covered by the report.

“(D) Any other matters the Secretary of Defense considers appropriate.

“(2) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

“(h) **EXPIRATION.**—The authority to provide assistance under this section may not be exercised after September 30, 2017.”

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 ASSO- CIATED 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 non-profit relief organization.