

(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 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.)

PRIOR PROVISIONS

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

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 carry out humanitarian demining assistance and stockpiled conventional munitions assistance in 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 in which the activities are to be carried out; 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 or stockpiled conventional munitions assistance under this section—

(A) engages in the physical detection, lifting, or destroying of landmines or other explosive remnants of war, or stockpiled conventional munitions, as applicable,¹ (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.

(3) The cost of equipment, services, and supplies provided in any fiscal year under this section may not exceed \$10,000,000.

(d) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 401 of this title a separate discussion of activities carried out under this section during the preceding fiscal year, including—

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

(2) the type and description of humanitarian demining assistance or stockpiled conventional munitions assistance carried out in 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 in which humanitarian demining assistance or stockpiled conventional munitions assistance could not be carried out during the preceding fiscal year due to insufficient numbers of Department of Defense personnel to carry out such activities;

(4) the amount expended in carrying out such assistance in 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 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 and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

(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, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

(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.)

AMENDMENTS

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.

¹ So in original. The comma probably should not appear.

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.”

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. Equipment and training of foreign personnel to assist in 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.

(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) **LIMITATION.**—The amount of assistance provided under this section in any fiscal year may not exceed \$1,000,000.

(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) **CONGRESSIONAL OVERSIGHT.**—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.

(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.)

AMENDMENTS

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