

(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 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