

tary support operation covered by this section. A notification under this subsection may be verbal or written, but in the event of a verbal notification, the Secretary shall provide a written notification by not later than 48 hours after the provision of the verbal notification.

(b) ANNUAL REPORT.—Not later than 90 days after the last day of any fiscal year during which the Secretary conducts a MISO plan, the Secretary shall submit to the congressional defense committees a report on all such MISO plans conducted during such fiscal year. Such report shall include each of the following:

(1) A list of each MISO program and the combatant command responsible for the program.

(2) For each MISO plan—

(A) a description of the plan and any supporting plans, including the objectives for the plan;

(B) a description of the intended target audience for the activities carried out under the plan and the means of distribution; and

(C) the cost of executing the plan.

(c) PROHIBITION ON CLANDESTINE OPERATIONS DESIGNED TO INFLUENCE OPINIONS AND POLITICS IN UNITED STATES.—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense for any fiscal year may be used to conduct a clandestine military information support operation that is designed to influence—

(1) any political process taking place in the United States;

(2) the opinions of United States persons;

(3) United States policies; or

(4) media produced by United States entities for United States persons.

(Added Pub. L. 117-263, div. A, title X, §1052(a), Dec. 23, 2022, 136 Stat. 2776.)

**§ 398.<sup>1</sup> Pilot program for sharing cyber capabilities and related information with foreign operational partners**

(a) AUTHORITY TO ESTABLISH PILOT PROGRAM TO SHARE CYBER CAPABILITIES.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide cyber capabilities and related information developed or procured by the Department of Defense to foreign countries or organizations described in subsection (b) without compensation, to meet operational imperatives if the Secretary of Defense determines that the provision of such cyber capabilities is in the national security interests of the United States.

(b) LIST OF FOREIGN COUNTRIES.—The Secretary of Defense, with the concurrence of the Secretary of State, shall—

(1) establish—

(A) a list of foreign countries that the Secretary of Defense considers suitable for sharing of cyber capabilities and related information under the authority established under paragraph<sup>2</sup> (a); and

(B) criteria for establishing the list under subparagraph (A);

(2) not later than 14 days after establishing the list required by paragraph (a),<sup>3</sup> submit to the appropriate committees of Congress such list; and

(3) notify the appropriate committees of Congress in writing of any changes to the list established under clause<sup>4</sup> (1) at least 14 days prior to the adoption of any such changes.

(c) PROCEDURES.—Prior to the first use of the authority provided by subsection (a), the Secretaries of Defense and State shall—

(1) establish and submit to the appropriate committees of Congress procedures for a coordination process for subsection (a) that is consistent with the operational timelines required to support the national security of the United States; and

(2) notify the appropriate committees of Congress in writing of any changes to the procedures established under paragraph (1) at least 14 days prior to the adoption of any such changes.

(d) NOTIFICATION REQUIRED.—(1) The Secretary of Defense and Secretary of State jointly shall promptly submit to the appropriate committees of Congress notice in writing of any use of the authority provided by subsection (a) no later than 48 hours following the use of the authority.

(2) Notification under paragraph (1) shall include a certification that the provision of the cyber capabilities was in the national security interests of the United States.

(3) The notification under paragraph (1) shall include an analysis of whether the transfer and the underlying operational imperative could have been met using another authority.

(e) TERMINATION.—The authority established under paragraph<sup>2</sup> (a) shall terminate on the date that is 3 years after the date on which this authority becomes law.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate; and

(C) Committee on Foreign Affairs of the House of Representatives.

(2) The term “cyber capability” means a device or computer program, including any combination of software, firmware, or hardware, designed to create an effect in or through cyberspace.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending, diminishing, or otherwise impacting reporting or other obligations under the War Powers Resolution.

(Added Pub. L. 117-263, div. A, title XV, §1551(a), Dec. 23, 2022, 136 Stat. 2918.)

**Editorial Notes**

REFERENCES IN TEXT

The War Powers Resolution, referred to in subsec. (g), is Pub. L. 93-148, Nov. 7, 1973, 87 Stat. 555, which is clas-

<sup>1</sup> Another section 398 is set out preceding this section.

<sup>2</sup> So in original. Probably should be “subsection”.

<sup>3</sup> So in original. Probably should be “(1).”

<sup>4</sup> So in original. Probably should be “paragraph”.

sified 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.

**§ 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.	Equipment and training of foreign personnel to assist in 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**

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.