SEC. 1213. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE PROGRAM TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS.

Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "and stockpiled conventional munitions" after "demining"; and

(B) in paragraph (3)(A), by inserting ", stockpiled conventional munitions," after "landmines";

(2) in subsection (d)(2), by inserting ", and whether such assistance was primarily related to the humanitarian demining efforts under subsection (e)(1) or stockpiled conventional munitions assistance under subsection (e)(2)" after "paragraph (1)"; and

(3) by amending subsection (e) to read as follows:

"(e) DEFINITIONS.—In this section:

"(1) HUMANITARIAN DEMINING ASSISTANCE.—The term 'humanitarian demining assistance', as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war.

"(2) STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.—The term 'stockpiled conventional munitions assistance', as it relates to 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.

"(3) INCLUDED ACTIVITIES.—Such terms include 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.”.

Section-by-Section Analysis

This proposal would expand the scope of humanitarian demining assistance by including stockpiled munitions under section 407 of title 10, United States Code. This proposal does not seek any additional programmed funding for humanitarian demining assistance, or significantly alter any existing authorities or limitations currently delineated in section 407.

The Department of Defense (DoD) currently may provide humanitarian demining assistance 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. “Explosive remnants of war”, as defined by the Convention on Certain Conventional Weapons, Article Two, Protocol V, includes unexploded explosive ordnance and abandoned explosive ordnance, including stockpiles. However, as currently enacted, section 407 does not authorize DoD to provide education, training or technical assistance to partner nations that request assistance with the physical security and stockpile management of degraded and potentially dangerous stockpiles of explosive ordnance. Physically securing and safely managing stockpiles is critical to mitigating the loss of innocent civilian life due to the theft of ordnance, or deterioration of ordnance into a dangerous condition. The physical security of munitions would preclude their use as improvised explosive devices, which are used as the equivalent of landmines.

The proposed changes would permit DoD to provide humanitarian demining assistance, within the scope of section 407, to partner nations with a demonstrated need who request DoD assistance with physical security and stockpile management of these potentially dangerous or deteriorated stockpiles of munitions and explosive ordnance. This would help save civilian lives by preventing the misuse or accidental explosion of ordnance.

The Department of State estimates that since 1995 there have been 218 known ammunition storage incidents resulting in more than 4,700 fatalities and nearly 5,700 injuries due to poorly maintained, improperly stored, or inadequately guarded conventional weapons and munitions. Leveraging DoD’s extensive knowledge and expertise in ammunition accountability, ammunition storage, and explosive safety areas, in coordination with existing humanitarian demining assistance and interagency programs, would provide a needed capability to partner nations and help prevent or reduce the likelihood of these destructive ammunition storage accidents.

Budget Implications: This proposal is cost neutral because it is not intended to increase the amount appropriated annually.

RESOURCE REQUIREMENTS ($ MILLIONS)							
FY 2012	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
$5.2	$5.3	$5.5	$5.7	$5.8	OHDACA	01	4GTD

Changes to Existing Law: This proposal would make the following changes to section 407 of title 10, United States Code:

§ 407. Humanitarian demining 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 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 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 under this section—

(A) engages in the physical detection, lifting, or destroying of landmines, stockpiled conventional munitions, 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.

(b) LIMITATIONS.—(1) Humanitarian demining 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 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 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, 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.

(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 was carried out during the preceding fiscal year;

(2) the type and description of humanitarian demining 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 as defined in subsection (e);

(3) a list of countries in which humanitarian demining 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; and

(4) the amount expended in carrying out such assistance in each such country during the preceding fiscal year.

(e) ~~HUMANITARIAN DEMINING~~ ASSISTANCE ~~DEFINED~~ DEFINITIONS.—In this section:

(1) HUMANITARIAN DEMINING ASSISTANCE.—T~~t~~he term "humanitarian demining assistance", as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war.

(2) STOCKPILED CONVENTIONAL MUNITIONS.—The term 'stockpiled conventional munitions assistance', as it relates to 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. ~~,~~

(3) INCLUDED ACTIVITIES.—Such terms ~~including~~ include 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.