**Leahy Vetting Policy**December 2021

The term “Leahy law” refers to two statutory provisions prohibiting the U.S. Government from using funds for assistance to units of foreign security forces where there is credible information implicating that unit in the commission of gross violations of human rights (GVHRs). The purpose is to encourage accountability and professionalism in security forces, help leverage assistance to encourage host nation governments to prevent violations and hold violators accountable, and to protect the USG from accusations of support for human rights abusers. One statutory provision applies to the U.S. Department of State (State) and the other applies to the U.S. Department of Defense (DoD).

The State Leahy law was first enacted as a provision in the 1997 Foreign Operations Appropriations Act (P.L. 104-208). Sponsored by Senator Patrick Leahy of Vermont, the amendment prohibited the Foreign Operations, Export Financing, and Related Programs Appropriations Act (FOAA) from assisting foreign security force units implicated in GVHRs, unless the Secretary of State determined that the host government was taking effective measures to bring those responsible to justice. Initially the amendment focused on the State Department’s International Narcotics Control program. It was expanded in 1998 to include all security assistance programs that used funds appropriated through the FOAA. A separate Leahy amendment was added to the 1999 Defense Appropriations Act, which requires that no funding under the Act be used to train security force units where there is credible information that they have committed GVHRs. The DoD Leahy law is now in Section 362 of U.S.C. Title 10 and applies to all forms of assistance, not just training. In 2008, Congress made the State Leahy provision permanent by adding it to the Foreign Assistance Act of 1961, as amended. The new section is titled "Limitation on Assistance to Security Forces" (Sec. 620M).

These laws do not allow exemptions as they regulate the source of funding available to carry out trainings for foreign security forces for both the State Department and DOD. This is not the case for NNSA, which is not funded either by the FOAA or annual DOD appropriations. Assistance provided by NNSA is not subject to Leahy vetting. This determination was concurred upon by NNSA General Counsel in 2015 via the attached memorandum.

Any request for NSDD to conduct Leahy vetting on personnel from partner agencies should be routed directly to Office Director and Deputy Director for awareness and decision. NSDD will only consider an exception to this policy under extraordinary circumstances.