

1556; Pub. L. 112-239, div. A, title X, §1011, Jan. 2, 2013, 126 Stat. 1907; Pub. L. 113-66, div. A, title X, §1012, Dec. 26, 2013, 127 Stat. 844; Pub. L. 113-291, div. A, title X, §1014, Dec. 19, 2014, 128 Stat. 3484, provided that:

“(a) **AUTHORITY.**—A joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, subject to all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism activities or counter-transnational organized crime activities.

“(b) **AVAILABILITY OF FUNDS.**—During fiscal years 2006 through 2020, funds for drug interdiction and counter-drug activities that are available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism or counter-transnational organized crime support authorized by subsection (a).

“(c) **ANNUAL REPORT.**—Not later than December 31 of each year in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a report setting forth, for the one-year period ending on the date of such report, the following:

“(1) An assessment of the effect on counter-drug, counter-transnational organized crime, and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counter-terrorism or counter-transnational organized crime support authorized by subsection (a).

“(2) A description of the type of support and any recipient of support provided under subsection (a), and a description of the objectives of such support.

“(3) A list of current joint task forces exercising the authority under subsection (a).

“(4) A certification by the Secretary of Defense that any support provided under subsection (a) during such one-year period was provided in compliance with the requirements of subsection (d).

“(d) **CONDITIONS.**—(1) Any support provided under subsection (a) may only be provided in the geographic area of responsibility of the joint task force.

“(2)(A) Support for counter-terrorism or counter-transnational organized crime activities provided under subsection (a) may only be provided if the Secretary of Defense determines that the objectives of using the counter-drug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counter-drug activities by that joint task force or any other joint task force.

“(B) The Secretary of Defense may waive the requirements of subparagraph (A) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to the congressional defense committees notice in writing of any waiver issued under this subparagraph, together with a description of the vital national security interests associated with the support covered by such waiver.

“(e) **DEFINITIONS.**—(1) In this section, the term ‘transnational organized crime’ has the meaning given such term in [former] section 1004(j) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; [former] 10 U.S.C. 374 note).

“(2) For purposes of applying the definition of transnational organized crime under paragraph (1) to this section, the term ‘illegal means’, as it appears in such definition, includes the trafficking of money, human trafficking, illicit financial flows, illegal trade in natural resources and wildlife, trade in illegal drugs and weapons, and other forms of illegal means determined by the Secretary of Defense.”

[Pub. L. 112-81, div. A, title X, §1004(b), Dec. 31, 2011, 125 Stat. 1556, provided that: “The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004 [Pub. L. 108-136, set out above], as amended by subsection (a), may not be exercised unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with

the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346).”]

§ 272. Use of military equipment and facilities

The Secretary of Defense may, in accordance with other applicable law, make available any equipment (including associated supplies or spare parts), base facility, or research facility of the Department of Defense to any Federal, State, or local civilian law enforcement official for law enforcement purposes.

(Added Pub. L. 97-86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1115, §372; amended Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043; Pub. L. 104-106, div. A, title III, §378, Feb. 10, 1996, 110 Stat. 284; Pub. L. 104-201, div. A, title XIV, §1416(b), Sept. 23, 1996, 110 Stat. 2723; Pub. L. 112-239, div. A, title III, §351, Jan. 2, 2013, 126 Stat. 1701; renumbered §272, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 272, added Pub. L. 85-861, §1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 96-513, title V, §511(8), Dec. 12, 1980, 94 Stat. 2920, related to transfers back from Standby Reserve to Ready Reserve, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10150 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 372 of this title as this section.

2013—Pub. L. 112-239 struck out “(a) **IN GENERAL.**—” before “The Secretary” and subsec. (b) which related to emergencies involving chemical and biological agents.

1996—Pub. L. 104-106 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Subsec. (b)(1). Pub. L. 104-201 inserted at end “The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.”

1988—Pub. L. 100-456 amended section generally, inserting “(including associated supplies or spare parts)” and substituting “Department of Defense” for “Army, Navy, Air Force, or Marine Corps”.

SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE

Pub. L. 110-181, div. A, title X, §1034, Jan. 28, 2008, 122 Stat. 308, as amended by Pub. L. 114-328, div. A, title X, §1043, Dec. 23, 2016, 130 Stat. 2393, provided that:

“(a) **AUTHORITY TO PROVIDE TOXIC CHEMICALS OR PRECURSORS.**—

“(1) **IN GENERAL.**—The Secretary of Defense, in coordination with the heads of other elements of the Federal Government, may make available, to a State, a unit of local government, or a private entity incorporated in the United States, small quantities of a toxic chemical or precursor for the development or testing, in the United States, of material that is designed to be used for protective purposes.

“(2) **TERMS AND CONDITIONS.**—Any use of the authority under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

“(b) **PAYMENT OF COSTS AND DISPOSITION OF FUNDS.**—

“(1) **IN GENERAL.**—The Secretary shall ensure, through the advance payment required by paragraph (2) and through any other payments that may be required, that a recipient of toxic chemicals or precursor

sors under subsection (a) pays for all actual costs, including direct and indirect costs, associated with providing the toxic chemicals or precursors.

“(2) ADVANCE PAYMENT.—In carrying out paragraph (1), the Secretary shall require each recipient to make an advance payment in an amount that the Secretary determines will equal all such actual costs.

“(3) CREDITS.—A payment received under this subsection shall be credited to the account that was used to cover the costs for which the payment was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

“(c) CHEMICAL WEAPONS CONVENTION.—The Secretary shall ensure that toxic chemicals and precursors are made available under this section for uses and in quantities that comply with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, signed at Paris on January 13, 1993, and entered into force with respect to the United States on April 29, 1997.

“(d) REPORT.—

“(1) Not later than March 15, 2008, and each year thereafter, the Secretary shall submit to Congress a report that includes—

“(A) a description of—

“(i) each use of the authority under subsection (a); and

“(ii) for each such use, the specific material made available and to whom it was made available; and

“(B) a description of—

“(i) any instance in which the Department of Defense made available to a State, a unit of local government, or a private entity any biological select agent or toxin for the development or testing of any biodefense technology; and

“(ii) for each such instance, the specific material made available and to whom it was made available.

“(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(3) The requirement to submit a report under paragraph (1) shall terminate on January 31, 2021.

“(e) DEFINITIONS.—In this section:

“(1) The terms ‘precursor’, ‘protective purposes’, and ‘toxic chemical’ have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

“(2) The term ‘biological select agent or toxin’ means any agent or toxin identified under any of the following:

“(A) Section 331.3 of title 7, Code of Federal Regulations.

“(B) Section 121.3 or section 121.4 of title 9, Code of Federal Regulations.

“(C) Section 73.3 or section 73.4 of title 42, Code of Federal Regulations.”

[Pub. L. 114-328, div. A, title X, §1043(1), Dec. 23, 2016, 130 Stat. 2393, which directed amendment of subsec. (d) of section 1034 of Pub. L. 110-181, set out above, by striking out “report on the use of the authority under subsection (a)” and all that followed, was executed by striking “report on the use of the authority under subsection (a)” and all that followed only to the end of par. (1) of subsec. (d), to reflect the probable intent of Congress and the subsequent addition of par. (3) of subsec. (d).]

§ 273. Training and advising civilian law enforcement officials

The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available—

(1) to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment, including equipment made available under section 372¹ of this title; and

(2) to provide such law enforcement officials with expert advice relevant to the purposes of this chapter.

(Added Pub. L. 97-86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1115, §373; amended Pub. L. 99-145, title XIV, §1423(a), Nov. 8, 1985, 99 Stat. 752; Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043; renumbered §273, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

REFERENCES IN TEXT

Section 372 of this title, referred to in par. (1), was renumbered section 272 of this title by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

PRIOR PROVISIONS

A prior section 273, act Aug. 10, 1956, ch. 1041, 70A Stat. 13, related to composition of Standby Reserve and maintenance of inactive status list in Standby Reserve, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See sections 10151 to 10153 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 373 of this title as this section.

1988—Pub. L. 100-456 amended section generally, substituting provisions authorizing Secretary of Defense, in accordance with applicable law, to make Defense Department personnel available for training, etc., for former subsecs. (a) to (c) authorizing Secretary of Defense to assign members of Army, Navy, Air Force, and Marine Corps, etc., for training, etc., briefing sessions by Attorney General, and other functions of Attorney General and Administrator of General Services.

1985—Pub. L. 99-145 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title XIV, §1423(b), Nov. 8, 1985, 99 Stat. 752, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1986.”

§ 274. Maintenance and operation of equipment

(a) The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available for the maintenance of equipment for Federal, State, and local civilian law enforcement officials, including equipment made available under section 372¹ of this title.

(b)(1) Subject to paragraph (2) and in accordance with other applicable law, the Secretary of Defense may, upon request from the head of a Federal law enforcement agency, make Department of Defense personnel available to operate equipment (including equipment made available under section 372¹ of this title) with respect to—

(A) a criminal violation of a provision of law specified in paragraph (4)(A);

(B) assistance that such agency is authorized to furnish to a State, local, or foreign govern-

¹ See References in Text note below.

¹ See References in Text note below.