

conducted under the Regional Defense Combating Terrorism Fellowship Program. Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.

(b) LIMITATION.—The total amount of funds used under the authority in subsection (a) in any fiscal year may not exceed \$35,000,000. Amounts available under the authority in subsection (a) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.

(c) ANNUAL REPORT.—Not later than December 1 of each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the administration of this section during the fiscal year ended in such year. The report shall include the following matters:

(1) A complete accounting of the expenditure of appropriated funds for purposes authorized under subsection (a), including—

(A) the countries of the foreign officers and officials for whom costs were paid; and

(B) for each such country, the total amount of the costs paid.

(2) The training courses attended by the foreign officers and officials, including a specification of which, if any, courses were conducted in foreign countries.

(3) An assessment of the effectiveness of the program referred to in subsection (a), including engagement activities for program alumni, in increasing the cooperation of the governments of foreign countries with the United States in the global war on terrorism.

(4) A discussion of any actions being taken to improve the program, including a list of any unfunded or unmet training requirements and requests.

(5) A discussion and justification of how the program fits within the theater security priorities of each of the commanders of the geographic combatant commands.

(Added Pub. L. 108-136, div. A, title XII, §1221(a)(1), Nov. 24, 2003, 117 Stat. 1651, §2249c; amended Pub. L. 109-364, div. A, title XII, §1204(a)-(d)(2), Oct. 17, 2006, 120 Stat. 2415; Pub. L. 110-417, [div. A], title XII, §1209(a), Oct. 14, 2008, 122 Stat. 4627; Pub. L. 113-66, div. A, title X, §1032(a), Dec. 26, 2013, 127 Stat. 850; renumbered §345 and amended Pub. L. 114-328, div. A, title XII, §1247(a)-(c), Dec. 23, 2016, 130 Stat. 2521.)

AMENDMENTS

2016—Pub. L. 114-328, §1247(a), (c), renumbered section 2249c of this title as this section and substituted “Regional Defense Combating Terrorism Fellowship Program” for “Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials” in section catchline.

Subsec. (c). Pub. L. 114-328, §1247(b), substituted “to the appropriate committees of Congress” for “to Congress” in introductory provisions.

2013—Subsec. (c)(3). Pub. L. 113-66, §1032(a)(1), inserted “, including engagement activities for program alumni,” after “subsection (a)”.

Subsec. (c)(4). Pub. L. 113-66, §1032(a)(2), inserted “, including a list of any unfunded or unmet training requirements and requests” after “program”.

Subsec. (c)(5). Pub. L. 113-66, §1032(a)(3), added par. (5).

2008—Subsec. (b). Pub. L. 110-417 substituted “\$35,000,000” for “\$25,000,000”.

2006—Pub. L. 109-364, §1204(d)(2), substituted “Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials” for “Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program” in section catchline.

Subsec. (a). Pub. L. 109-364, §1204(a), substituted “the education and training of foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Combating Terrorism Fellowship Program” for “the attendance of foreign military officers, ministry of defense officials, or security officials at United States military educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Counterterrorism Fellowship Program, including costs of transportation and travel and subsistence costs” and inserted at end “Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.”

Subsec. (b). Pub. L. 109-364, §1204(b), (c), substituted “\$25,000,000” for “\$20,000,000” and inserted at end “Amounts available under the authority in subsection (a) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.”

Subsec. (c)(3). Pub. L. 109-364, §1204(d)(1), substituted “program referred to in subsection (a)” for “Regional Defense Counterterrorism Fellowship Program”.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-66, div. A, title X, §1032(b), Dec. 26, 2013, 127 Stat. 850, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to a report submitted for a fiscal year beginning after the date of the enactment of this Act [Dec. 26, 2013].”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title XII, §1209(b), Oct. 14, 2008, 122 Stat. 4627, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.”

REGULATIONS

Pub. L. 108-136, div. A, title XII, §1221(b), Nov. 24, 2003, 117 Stat. 1651, provided that: “Not later than December 1, 2003, the Secretary of Defense shall—

“(1) prescribe the final regulations for carrying out section 2249c of title 10, United States Code, as added by subsection (a); and

“(2) notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and House of Representatives] of the prescription of such regulations.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

§ 346. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign countries, the

Secretary of Defense, with the concurrence of the Secretary of State, may—

(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

(b) **AUTHORIZED RECIPIENTS.**—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

(c) **EDUCATION AND TRAINING.**—Any education and training provided under subsection (a) shall include the following:

(1) Internet-based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

(d) **APPLICABILITY OF EXPORT CONTROL REGIMES.**—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign countries.

(e) **GUIDANCE ON UTILIZATION OF AUTHORITY.**—

(1) **GUIDANCE REQUIRED.**—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

(2) **MODIFICATION.**—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

(Added Pub. L. 110-417, [div. A], title XII, §1205(a)(1), Oct. 14, 2008, 122 Stat. 4623, §2249d; renumbered §346 and amended Pub. L. 114-328, div. A, title XII, §1241(h), Dec. 23, 2016, 130 Stat. 2507.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (d), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

AMENDMENTS

2016—Pub. L. 114-328, §1241(h)(1), renumbered section 2249d of this title as this section.

Subsecs. (a), (d). Pub. L. 114-328, §1241(h)(2)(A), substituted “countries” for “nations”.

Subsecs. (f), (g). Pub. L. 114-328, §1241(h)(2)(B), struck out subsecs. (f) and (g) which, respectively, required the Secretary of Defense to submit annual reports to the appropriate committees of Congress and defined “appropriate committees of Congress”.

EFFECTIVE DATE

Pub. L. 110-417, [div. A], title XII, §1205(d), Oct. 14, 2008, 122 Stat. 4625, provided that: “This section [enacting this section and provisions set out as notes under this section] and the amendments made by this section shall take effect on October 1, 2008.”

GUIDANCE ON UTILIZATION OF AUTHORITY

Pub. L. 110-417, [div. A], title XII, §1205(b), Oct. 14, 2008, 122 Stat. 4624, provided that:

“(1) **SUBMITTAL TO CONGRESS.**—Not later than 30 days after issuing the guidance required by section 2249d(e) [now 346(e)] of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

“(2) **UTILIZATION OF SIMILAR GUIDANCE.**—In developing the guidance required by section 2249d(e) [now 346(e)] of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.”

§347. International engagement authorities for service academies

(a) **SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.**—

(1) **ATTENDANCE AUTHORIZED.**—

(A) **IN GENERAL.**—The Secretary of each military department may permit persons from foreign countries to receive instruction at the Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

(i) in the case of the United States Military Academy, the authorized strength of the Corps of the Cadets of the Academy under 4342¹ of this title;

(ii) in the case of the United States Naval Academy, the authorized strength of the Brigade of Midshipmen of the Academy under section 6954 of this title; and

(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under 9342¹ of this title.

(B) **LIMITATION ON NUMBER.**—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 60 at any one time.

(2) **DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTED.**—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

(A) the countries from which persons may be selected for appointment under this subsection to the Service Academy under the jurisdiction of that Secretary; and

(B) the number of persons that may be selected from each country.

(3) **QUALIFICATIONS AND SELECTION.**—The Secretary of each military department—

(A) may establish entrance qualifications and methods of competition for selection

¹ So in original. Probably should be preceded by “section”.