

shall be required to provide personnel with qualifications, training, and skills that are essentially equal to those of the personnel provided by the other government.

(d) **PAYMENT OF PERSONNEL COSTS.**—(1) Each government shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its own personnel in accordance with the applicable laws and regulations of such government.

(2) Paragraph (1) does not apply to the following costs:

(A) The cost of temporary duty directed by the host government.

(B) The cost of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the assignments of the exchanged personnel.

(C) Costs incident to the use of the facilities of the host government in the performance of assigned duties.

(e) **PROHIBITED CONDITIONS.**—No personnel exchanged pursuant to an agreement under this section may take or be required to take an oath of allegiance to the host country or to hold an official capacity in the government of such country.

(f) **RELATIONSHIP TO OTHER AUTHORITY.**—The requirements in subsections (c) and (d) shall apply in the exercise of any authority of the Secretaries of the military departments to enter into an agreement with the government of a foreign country to provide for the exchange of members of the armed forces and military personnel of the defense or security ministry of that foreign country. The Secretary of Defense may prescribe regulations for the application of such subsections in the exercise of such authority.

(Added and amended Pub. L. 114-328, div. A, title XII, §1242(a), (b), Dec. 23, 2016, 130 Stat. 2512, 2513.)

CODIFICATION

Text of section, as added by Pub. L. 114-328, is based on text of Pub. L. 104-201, div. A, title X, §1082, Sept. 23, 1996, 110 Stat. 2672, which was formerly set out as a note under section 168 of this title, prior to repeal by Pub. L. 114-328, div. A, title XII, §1242(c)(1), Dec. 23, 2016, 130 Stat. 2513.

PRIOR PROVISIONS

A prior section 311 was renumbered section 246 of this title.

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114-328, §1242(b)(1)(A), inserted at end “Any exchange of personnel under such an agreement is subject to paragraph (3).”

Subsec. (a)(2). Pub. L. 114-328, §1242(b)(1)(B)(i), substituted “a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange” for “an ally of the United States or another friendly foreign country for the exchange” in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 114-328, §1242(b)(1)(B)(ii), substituted “members of the armed forces” for “military”.

Subsec. (a)(2)(B). Pub. L. 114-328, §1242(b)(1)(B)(iii), inserted “or security” after “defense” and inserted “or international or regional security organization” before period at end.

Subsec. (a)(3). Pub. L. 114-328, §1242(b)(1)(C), added par. (3).

Subsec. (b)(2). Pub. L. 114-328, §1242(b)(2), inserted “, subject to the concurrence of the Secretary of State” before period at end.

Subsec. (c). Pub. L. 114-328, §1242(b)(3), substituted “In the case of” for “Each government shall be required under” and inserted “that provides for reciprocal exchanges, each government shall be required” after “exchange agreement”.

Subsec. (f). Pub. L. 114-328, §1242(b)(4), inserted “defense or security ministry of that” after “military personnel of the”.

LIMITATION ON MILITARY-TO-MILITARY EXCHANGES AND CONTACTS WITH CHINESE PEOPLE'S LIBERATION ARMY

Pub. L. 106-65, div. A, title XII, §1201, Oct. 5, 1999, 113 Stat. 779, as amended by Pub. L. 111-84, div. A, title XII, §1246(d), Oct. 28, 2009, 123 Stat. 2545; Pub. L. 112-81, div. A, title X, §1066(e)(2), Dec. 31, 2011, 125 Stat. 1589, provided that:

“(a) **LIMITATION.**—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the armed forces with representatives of the People's Liberation Army of the People's Republic of China if that exchange or contact would create a national security risk due to an inappropriate exposure specified in subsection (b).

“(b) **COVERED EXCHANGES AND CONTACTS.**—Subsection (a) applies to any military-to-military exchange or contact that includes inappropriate exposure to any of the following:

“(1) Force projection operations.

“(2) Nuclear operations.

“(3) Advanced combined-arms and joint combat operations.

“(4) Advanced logistical operations.

“(5) Chemical and biological defense and other capabilities related to weapons of mass destruction.

“(6) Surveillance and reconnaissance operations.

“(7) Joint warfighting experiments and other activities related to a transformation in warfare.

“(8) Military space operations.

“(9) Other advanced capabilities of the Armed Forces.

“(10) Arms sales or military-related technology transfers.

“(11) Release of classified or restricted information.

“(12) Access to a Department of Defense laboratory.

“(c) **EXCEPTIONS.**—Subsection (a) does not apply to any search-and-rescue or humanitarian operation or exercise.”

§ 312. Payment of personnel expenses necessary for theater security cooperation

(a) **AUTHORITY.**—The Secretary of Defense may pay expenses specified in subsection (b) that the Secretary considers necessary for theater security cooperation.

(b) **TYPES OF EXPENSES.**—The expenses that may be paid under the authority provided in subsection (a) are the following:

(1) **PERSONNEL EXPENSES.**—The Secretary of Defense may pay travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for theater security cooperation:

(A) Defense personnel of friendly foreign governments.

(B) With the concurrence of the Secretary of State, other personnel of friendly foreign governments and non-governmental personnel.

(2) **ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.**—The Secretary of Defense may provide administrative services and

support for the performance of duties by a liaison officer of a foreign country while the liaison officer is assigned temporarily to any headquarters in the Department of Defense.

(3) TRAVEL, SUBSISTENCE, AND MEDICAL CARE FOR LIAISON OFFICERS.—The Secretary of Defense may pay the expenses of a liaison officer in connection with the assignment of that officer as described in paragraph (2) if the assignment is requested by the commander of a combatant command, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the head of a Defense Agency as follows:

(A) Travel and subsistence expenses.

(B) Personal expenses directly necessary to carry out the duties of that officer in connection with that assignment.

(C) Expenses for medical care at a civilian medical facility if—

(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement.

(D) Mission-related travel expenses if such travel meets each of the following conditions:

(i) The travel is in support of the national security interests of the United States.

(ii) The officer or official making the request directs round-trip travel from the assigned location to one or more travel locations.

(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—The authority provided by paragraph (1) includes authority to pay travel and subsistence expenses for personnel described in that paragraph in connection with the attendance of such personnel at any conference, seminar, or similar meeting that is in direct support of enhancing interoperability between the United States armed forces and the national security forces of a friendly foreign country for the purposes of conducting operations, the provision of equipment or training, or the planning for, or the execution of, bilateral or multilateral training, exercises, or military operations.

(5) OTHER EXPENSES.—In addition to the personnel expenses payable under paragraph (1), the Secretary of Defense may pay such other limited expenses in connection with conferences, seminars, and similar meetings covered by paragraph (4) as the Secretary considers appropriate in the national security interests of the United States.

(c) LIMITATIONS ON EXPENSES PAYABLE.—

(1) PERSONNEL FROM DEVELOPING COUNTRIES.—The authority provided in subsection (a) may be used only for the payment of expenses of, and special compensation for, personnel from developing countries, except that

the Secretary of Defense may authorize the payment of such expenses and special compensation for personnel from a country other than a developing country if the Secretary determines that such payment is necessary to respond to extraordinary circumstances and is in the national security interest of the United States.

(2) NON-DEFENSE LIAISON OFFICERS.—In the case of a non-defense liaison officer of a foreign country, the authority of the Secretary of Defense under subsection (a) to pay expenses specified in paragraph (2) or (3) of subsection (b) may be exercised only if the assignment of that liaison officer as a liaison officer with the Department of Defense was accepted by the Secretary of Defense with the coordination of the Secretary of State.

(d) REIMBURSEMENT.—The Secretary of Defense may provide the services and support specified in subsection (b)(2) with or without reimbursement from (or on behalf of) the recipients. The terms of reimbursement (if any) shall be specified in the appropriate agreements used to assign the liaison officer.

(e) MONETARY LIMITATIONS ON EXPENSES PAYABLE.—

(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed \$150,000.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

(g) ADMINISTRATIVE SERVICES AND SUPPORT DEFINED.—In this section, the term “administrative services and support” includes base or installation support services, office space, utilities, copying services, fire and police protection, training programs conducted to familiarize, orient, or certify liaison personnel regarding unique aspects of the assignments of the liaison personnel, and computer support.

(Added Pub. L. 114-328, div. A, title XII, § 1243(a), Dec. 23, 2016, 130 Stat. 2514.)

PRIOR PROVISIONS

A prior section 312 was renumbered section 247 of this title.

§ 313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance

(a) GENERAL AUTHORITY.—The Secretary of Defense may present awards and mementos purchased with funds appropriated for operation and maintenance of the armed forces to recognize superior noncombat achievements or per-