

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES

Sec.	
341.	Department of Defense State Partnership Program.
342.	Regional centers for security studies. ¹
343.	Western Hemisphere Institute for Security Cooperation.
344.	Participation in multinational military centers of excellence.
345.	Regional Defense Combating Terrorism Fellowship Program.
346.	Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.
347.	International engagement authorities for service academies.
348.	Aviation Leadership Program.
349.	Inter-American Air Forces Academy.
350.	Inter-European Air Forces Academy.

DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES

Pub. L. 115-91, div. A, title XII, §1207, Dec. 12, 2017, 131 Stat. 1645, provided that:

“(a) IN GENERAL.—The Secretary of Defense may operate an institute to be known as the ‘Defense Institute of International Legal Studies’ (in this section referred to as the ‘Institute’) in accordance with this section to further the United States security and foreign policy objectives of—

“(1) promoting an understanding of and appreciation for the rule of law; and

“(2) encouraging the international development of internal capacities of foreign governments for civilian control of the military, military justice, the legal aspects of peacekeeping, good governance and anti-corruption in defense reform, and human rights.

“(b) ACTIVITIES.—In carrying out the purposes specified in subsection (a), the Institute may conduct activities as follows:

“(1) Exchange of ideas on best practices and lessons learned in order to improve compliance with international legal norms.

“(2) Education and training involving professional legal engagement with foreign military personnel and related civilians, both within and outside the United States.

“(3) Building the legal capacity of foreign military and other security forces, including equitable, transparent, and accountable defense institutions, civilian control of the military, human rights, and democratic governance.

“(4) Institutional legal capacity building of foreign defense and security institutions.

“(c) DEPARTMENT OF DEFENSE REVIEW.—

“(1) IN GENERAL.—The Secretary shall conduct a comprehensive review of the mission, workforce, funding, and other support of the Institute.

“(2) ELEMENTS.—The review shall include, but not be limited to, the following:

“(A) An assessment of the scope of the mission of the Institute, taking into account the increasing security cooperation authorities and requirements of the Department of Defense, including core rule of law training in the United States and abroad, defense legal institution building, and statutorily required human rights and legal capacity building of foreign security forces.

“(B) An assessment of the workforce of the Institute, including whether it is appropriately sized to

align with the full scope of the mission of the Institute.

“(C) A review of the funding mechanisms for the activities of the Institute, including the current mechanisms for reimbursing the Institute by the Department of State and by the Department of Defense through the budget of the Defense Security Cooperation Agency.

“(D) An evaluation of the feasibility and advisability of the provision of funds appropriated for the Department of Defense directly to the Institute, and the actions, if any, required to authorize the Institute to receive such funds directly.

“(E) A description of the challenges, if any, faced by the Institute to increase its capacity to provide residence courses to meet demands for training and assistance.

“(F) An assessment of the capacity of the Department of Defense to assess, monitor, and evaluate the effectiveness of the human rights training and other activities of the Institute.

“(3) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report summarizing the findings of the review and any recommendations for enhancing the capability of the Institute to fulfill its mission that the Secretary considers appropriate.

“(d) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

“(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act [Dec. 12, 2017], the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that sets forth the following:

“(A) A description of the mechanisms and authorities used by the Department of Defense and the Department of State to conduct training of foreign security forces on human rights and international humanitarian law.

“(B) A description of the funding used to support the training described in subparagraph (A).

“(C) A description and assessment of the methodology used by each of the Department of Defense and the Department of State to assess the effectiveness of such training.

“(D) Such recommendations for improvements to such training as the Comptroller General considers appropriate.

“(E) Such other matters relating to such training as the Comptroller General considers appropriate.

“(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.”

§ 341. Department of Defense State Partnership Program

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to establish a program of activities described in paragraph (2), to support the security cooperation objectives of the United States, between members of the National Guard of a State or territory and any of the following:

(A) The military forces of a foreign country.

(B) The security forces of a foreign country.

¹ So in original. Does not conform to section catchline.

(C) Governmental organizations of a foreign country whose primary functions include disaster response or emergency response.

(2) STATE PARTNERSHIP.—Each program established under this subsection shall be known as a “State Partnership”.

(b) LIMITATIONS.—

(1) IN GENERAL.—An activity with forces referred to in subsection (a)(1)(B) or organizations described in subsection (a)(1)(C) under a program established under subsection (a) may be carried out only if the Secretary of Defense, with the concurrence of the Secretary of State, determines and notifies the appropriate congressional committees not less than 15 days before initiating such activity that the activity is in the national security interests of the United States.

(2) PROHIBITION ON ACTIVITIES WITH UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The conduct of any activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.

(c) COORDINATION OF ACTIVITIES.—The Chief of the National Guard Bureau shall designate a director for each State and territory to be responsible for the coordination of activities under a program established under subsection (a) for such State or territory and reporting on activities under the program.

(d) REGULATIONS.—This section shall be carried out in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section. Such regulations shall include accounting procedures to ensure that expenditures of funds to carry out this section are accounted for and appropriate.

(e) AVAILABILITY OF AUTHORIZED FUNDS FOR PROGRAM.—

(1) IN GENERAL.—Funds authorized to be appropriated to the Department of Defense, including funds authorized to be appropriated for the Army National Guard and Air National Guard, are authorized to be available—

(A) for payment of costs incurred by the National Guard of a State or territory to conduct activities under a program established under subsection (a); and

(B) for payment of incremental expenses of a foreign country to conduct activities under a program established under subsection (a).

(2) LIMITATIONS.—

(A) ACTIVE DUTY REQUIREMENT.—Funds shall not be available under paragraph (1) for the participation of a member of the National Guard of a State or territory in activities in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation¹

(B) INCREMENTAL EXPENSES.—The total amount of payments for incremental expenses of foreign countries as authorized under paragraph (1)(B) for activities under programs established under subsection (a) in any fiscal year may not exceed \$10,000,000.

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than February 1 following each of fiscal years 2016, 2017, and 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on activities under each program established under subsection (a) during such fiscal year.

(2) MATTERS TO BE INCLUDED.—Each report shall specify, for the fiscal year covered by such report, the following:

(A) Each foreign country in which the activities were conducted.

(B) The type of activities conducted, the duration of the activities, and the number of members of the National Guard of each State or territory involved in such activities.

(C) The extent of participation in the activities by the military forces and security forces or other government organizations of such foreign country.

(D) A summary of expenditures to conduct the activities, including the annual cost of the activities, with a breakdown of such expenditures by geographic combatant command and country.

(E) With respect to activities described in subsection (b), the objective of the activities, and a description of how the activities support the theater campaign plan of the commander of the geographic combatant command with responsibility for the country or countries in which the activities occurred.

(F) An assessment of the extent to which the activities conducted during the previous year met the objectives described in subparagraph (E).

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede any authority under title 10 as in effect on December 26, 2013.

(Added and amended Pub. L. 114-328, div. A, title XII, §1246(a)-(c), (d)(1), (2)(B), Dec. 23, 2016, 130 Stat. 2520, 2521.)

AMENDMENT OF SUBSECTIONS (f) AND (g)

Pub. L. 114-328, div. A, title XII, §1246(d)(2)(B), Dec. 23, 2016, 130 Stat. 2521, provided that, effective as of Jan. 1, 2020, this section is amended by striking subsection (f) and redesignating subsection (g) as (f). See 2016 Amendment notes below.

CODIFICATION

Text of section, as added by Pub. L. 114-328, is based on text of subssecs. (a) to (g) of section 1205 of Pub. L. 113-66, div. A, title XII, Dec. 26, 2013, 127 Stat. 897, as amended, which was formerly set out as a note under section 107 of Title 32, National Guard, prior to repeal by Pub. L. 114-328, div. A, title XII, §1246(e), Dec. 23, 2016, 130 Stat. 2521.

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-328, §1246(b), substituted “Limitations” for “Limitation” in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, and added par. (2).

Subsec. (d). Pub. L. 114-328, §1246(c)(1), added subsec. (d) and struck out former subsec. (d) which required the Secretary of Defense to prescribe regulations to carry out this section and to notify Congress.

¹ So in original. Probably should be followed by a period.

Subsec. (f). Pub. L. 114-328, §1246(d)(2)(B), redesignated subsec. (g) as (f) and struck out former subsec. (f) which required annual reports for fiscal years 2016, 2017, and 2018.

Pub. L. 114-328, §1246(d)(1)(A), substituted “Annual Reports” for “Reports and Notifications” in subsec. heading, added par. (1) and struck out former par. (1) which related to a review and report of programs under the State Partnership Program as in effect on Dec. 26, 2013, redesignated par. (2)(B) as par. (2), substituted “Matters to be included” for “Annual report” in par. (2) heading, and struck out former par. (2)(A) which required reports on activities under programs established under subsec. (a).

Subsec. (f)(2). Pub. L. 114-328, §1246(d)(1)(B)(i), redesignated cls. (i) to (vi) of former par. (2)(B) as subpars. (A) to (F), respectively, of par. (2) and realigned margins.

Subsec. (f)(2)(F). Pub. L. 114-328, §1246(d)(1)(B)(ii), substituted “subparagraph (E)” for “clause (v)”.

Subsec. (g). Pub. L. 114-328, §1246(d)(2)(B)(ii), redesignated subsec. (g) as (f).

Pub. L. 114-328, §1246(c)(2), substituted “under title 10 as in effect on December 26, 2013.” for “under title 10, United States Code, as in effect on the date of the enactment of this Act.”

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title XII, §1246(d)(2), Dec. 23, 2016, 130 Stat. 2521, provided that the amendment made by section 1246(d)(2)(B) is effective as of Jan. 1, 2020.

§ 342. Regional Centers for Security Studies

(a) **IN GENERAL.**—The Secretary of Defense shall administer the Department of Defense Regional Centers for Security Studies in accordance with this section as international venues for bilateral and multilateral research, communication, exchange of ideas, and training involving military and civilian participants.

(b) **REGIONAL CENTERS SPECIFIED.**—(1) A Department of Defense Regional Center for Security Studies is a Department of Defense institution that—

(A) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

(B) serves as a forum for bilateral and multilateral research, communication, exchange of ideas, and training involving military and civilian participants.

(2) The Department of Defense Regional Centers for Security Studies are the following:

(A) The George C. Marshall European Center for Security Studies, established in 1993 and located in Garmisch-Partenkirchen, Germany.

(B) The Daniel K. Inouye Asia-Pacific Center for Security Studies, established in 1995 and located in Honolulu, Hawaii.

(C) The William J. Perry Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.

(D) The Africa Center for Strategic Studies, established in 1999 and located in Washington, D.C.

(E) The Near East South Asia Center for Strategic Studies, established in 2000 and located in Washington, D.C.

(3) No institution or element of the Department of Defense may be designated as a Department of Defense Regional Center for Security Studies for purposes of this section, other than the institutions specified in paragraph (2).

(c) **REGULATIONS.**—The administration of the Regional Centers under this section shall be carried out under regulations prescribed by the Secretary. The regulations shall prioritize within the respective areas of focus of each Regional Center the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.

(d) **PARTICIPATION.**—Participants in activities of the Regional Centers may include United States and foreign military, civilian, and non-governmental personnel.

(e) **EMPLOYMENT AND COMPENSATION OF FACULTY.**—At each Regional Center, the Secretary may, subject to the availability of appropriations—

(1) employ a Director, a Deputy Director, and as many civilians as professors, instructors, and lecturers as the Secretary considers necessary; and

(2) prescribe the compensation of such persons, in accordance with Federal guidelines.

(f) **PAYMENT OF COSTS.**—(1) Participation in activities of a Regional Center shall be on a reimbursable basis (or by payment in advance), except in a case in which reimbursement is waived in accordance with paragraph (3).

(2) For a foreign national participant, payment of costs may be made by the participant, the participant’s own government, by a Department or agency of the United States other than the Department of Defense, or by a gift or donation on behalf of one or more Regional Centers accepted under section 2611 of this title on behalf of the participant’s government.

(3)(A) The Secretary of Defense may waive reimbursement of the costs of activities of the Regional Centers for foreign military officers and foreign defense and security personnel from a developing country if the Secretary determines that attendance of such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available to the Regional Centers.

(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interest of the United States.

(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed \$1,000,000.

(4) Funds accepted for the payment of costs shall be credited to the appropriation then currently available to the Department of Defense for the Regional Center that incurred the costs. Funds so credited shall be merged with the appropriation to which credited and shall be available to that Regional Center for the same purposes and same period as the appropriation with which merged.