

1987—Pub. L. 100-180, div. A, title XII, §1243(b), Dec. 4, 1987, 101 Stat. 1164, added item 380.

1986—Pub. L. 99-570, title III, §3053(b)(2), Oct. 27, 1986, 100 Stat. 3207-76, added item 379.

Statutory Notes and Related Subsidiaries

DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE ASSISTANCE TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES

Pub. L. 114-92, div. A, title X, §1059, Nov. 25, 2015, 129 Stat. 986, as amended by Pub. L. 116-283, div. A, title X, §1056(a), (b), Jan. 1, 2021, 134 Stat. 3855, which authorized Department of Defense to provide assistance to secure the southern land border of the United States, was transferred by Pub. L. 116-283, div. A, title X, §1056(c), Jan. 1, 2021, 134 Stat. 3856, and is set out as a note under section 284 of this title.

§ 271. Use of information collected during military operations

(a) The Secretary of Defense may, in accordance with other applicable law, provide to Federal, State, or local civilian law enforcement officials any information collected during the normal course of military training or operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials.

(b) The needs of civilian law enforcement officials for information shall, to the maximum extent practicable, be taken into account in the planning and execution of military training or operations.

(c) The Secretary of Defense shall ensure, to the extent consistent with national security, that intelligence information held by the Department of Defense and relevant to drug interdiction or other civilian law enforcement matters is provided promptly to appropriate civilian law enforcement officials.

(Added Pub. L. 97-86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1115, §371; amended Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043; renumbered §271, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

Editorial Notes

PRIOR PROVISIONS

A prior section 271, added Pub. L. 85-861, §1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 95-485, title IV, §405(b), Oct. 20, 1978, 92 Stat. 1615, related to system of continuous screening of units and members of 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 10149 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 371 of this title as this section.

1988—Pub. L. 100-456 amended section generally, designating existing provisions as subsec. (a), inserting reference to military training, and adding subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-570, title III, §3051, Oct. 27, 1986, 100 Stat. 3207-74, provided that: "This subtitle [subtitle A (§§3051-3059) of title III of Pub. L. 99-570, enacting section 379 of this title, amending sections 374 and 911 of this title, enacting provisions set out as notes under

sections 374, 525, and 9441 of this title, and repealing provisions set out as a note under section 89 of Title 14, Coast Guard] may be cited as the 'Defense Drug Interdiction Assistance Act'."

ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE

Pub. L. 114-328, div. A, title X, §1014, Dec. 23, 2016, 130 Stat. 2386, as amended by Pub. L. 116-92, div. A, title X, §1053, Dec. 20, 2019, 133 Stat. 1591; Pub. L. 117-81, div. A, title X, §1063, Dec. 27, 2021, 135 Stat. 1909, provided that:

"(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing of military training by the Department of Defense.

"(b) FORMAL MECHANISM OF NOTIFICATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall establish a formal mechanism through which the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing military training by the Department of Defense.

"(2) DISSEMINATION TO THE ARMED FORCES.—To the extent practicable, the Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so the Armed Forces may take into account the information needs of civilian law enforcement when planning and executing training in accordance with section 271 of title 10, United States Code.

"(3) COORDINATION OF TRAINING.—To the maximum extent practicable, the Secretary of Defense shall ensure that the planning and execution of training described in paragraph (2) is coordinated with the Department of Homeland Security.

"(c) SHARING OF CERTAIN INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly formulate guidance to ensure that the information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the international borders of the United States is provided promptly to relevant officials in accordance with section 271 of title 10, United States Code.

"(d) ANNUAL REPORTS.—

"(1) DEPARTMENT OF DEFENSE REPORT.—

"(A) IN GENERAL.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on any assistance provided by the Department of Defense to the border security mission of the Department of Homeland Security at the international borders of the United States during the fiscal year preceding the fiscal year during which the report is submitted.

"(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include each of the following:

"(i) A description of the military training and operational activities of each military component leveraged, pursuant to section 271 of title 10, United States Code, to support the border secu-

rity mission of the Department of Homeland Security at the southern border of the United States.

“(ii) For each activity described in clause (i), each of the following, identified by component:

“(I) The Department of Homeland Security information need that was supported.

“(II) The military training or operational activity leveraged to provide support.

“(III) The duration of the support.

“(IV) The cost of the support.

“(iii) A description of any Department of Defense activities provided in response to a request for assistance from the Department of Homeland Security.

“(iv) For each activity described in clause (iii)—

“(I) The stated rationale of the Department of Homeland Security for requesting assistance from the Department of Defense.

“(II) The capability provided by the Department of Defense.

“(III) The duration of the assistance provided by the capability.

“(IV) The statutory authority under which the assistance was provided.

“(V) The cost of the assistance provided.

“(VI) Whether the Department of Defense was reimbursed by the Department of Homeland Security for the assistance provided.

“(VII) In the case of assistance for which the Department of Defense was not reimbursed, the justification for non-reimbursement.

“(v) A description of any Department of Defense excess property provided to U. S. Customs and Border Protection.

“(vi) The status of the implementation of this section.

“(vii) A description of any other activity the Secretary of Defense determines relevant.

“(2) DEPARTMENT OF HOMELAND SECURITY REPORT.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

“(A) any activities of the Department of Homeland Security to reduce, mitigate, or eliminate the demand for Department of Defense support at the international borders of the United States; and

“(B) the status of implementation of this section.

“(3) TERMINATION.—The requirement to submit a report under paragraph (1) or (2) shall terminate on December 31, 2023.”

AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES

Pub. L. 108-136, div. A, title X, §1022, Nov. 24, 2003, 117 Stat. 1594, as amended by Pub. L. 109-163, div. A, title X, §1022, Jan. 6, 2006, 119 Stat. 3427; Pub. L. 110-181, div. A, title X, §1021, Jan. 28, 2008, 122 Stat. 304; Pub. L. 110-417, [div. A], title X, §1022, Oct. 14, 2008, 122 Stat. 4586; Pub. L. 111-84, div. A, title X, §1012, Oct. 28, 2009, 123 Stat. 2441; Pub. L. 111-383, div. A, title X, §1012(a)-(b)(2), Jan. 7, 2011, 124 Stat. 4346, 4347; Pub. L. 112-81, div. A, title X, §1004(a), Dec. 31, 2011, 125 Stat. 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; Pub. L. 115-91, div. A, title X, §1081(i), Dec. 12, 2017, 131 Stat. 1601; Pub. L. 116-92, div. A, title X, §1022, Dec. 20, 2019, 133 Stat. 1578; Pub. L. 117-81, div. A, title X, §1008, Dec. 27, 2021, 135 Stat. 1889, provided that:

“(a) AUTHORITY.—A joint task force of the Department of Defense that provides support to law enforce-

ment 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 2027, 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) 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.

“(2) The Secretary of Defense may waive the requirements of paragraph (1) 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 section 284(i) of title 10, United States Code.

“(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