

mittees a plan for an initiative to support programs and activities for strategic competition in the areas of responsibility of United States Southern Command and United States Africa Command.

“(2) REPORT.—Not later than 120 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall submit to the congressional defense committees the plan developed under paragraph (1).

“(h) TERMINATION.—The authority under subsection (a) shall terminate on September 30, 2024.”

PREScription OF TERM ‘DEVELOPING COUNTRY’

Pub. L. 114-328, div. A, title XII, §1241(n), Dec. 23, 2016, 130 Stat. 2511, provided that:

“(1) IN GENERAL.—The Secretary of Defense shall prescribe the meaning of the term ‘developing country’ for purposes of chapter 16 of title 10, United States Code, as added by subsection (a)(3), and may from time to time prescribe a revision to the meaning of that term for those purposes.

“(2) INITIAL PRESCRIPTION.—The Secretary shall first prescribe the meaning of the term by not later than 270 days after the date of the enactment of this Act [Dec. 23, 2016].

“(3) NOTICE TO CONGRESS.—Whenever the Secretary prescribes the meaning of the term pursuant to paragraph (1), the Secretary shall notify the appropriate committees of Congress of the meaning of the term as so prescribed.

“(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ has the meaning given that term in section 301(1) of title 10, United States Code, as so added.”

QUADRENNIAL REVIEW OF SECURITY SECTOR ASSISTANCE PROGRAMS AND AUTHORITIES OF THE UNITED STATES GOVERNMENT

Pub. L. 114-328, div. A, title XII, §1252, Dec. 23, 2016, 130 Stat. 2531, provided that:

“(a) STATEMENT OF POLICY.—It is the policy of the United States that the principal goals of the security sector assistance programs and authorities of the United States Government are as follows:

“(1) To assist partner nations in building sustainable capability to address common security challenges with the United States.

“(2) To promote partner nation support for United States interests.

“(3) To promote universal values, such as good governance, transparent and accountable oversight of security forces, rule of law, transparency, accountability, delivery of fair and effective justice, and respect for human rights.

“(4) To strengthen collective security and multinational defense arrangements and organizations of which the United States is a participant.

“(b) QUADRENNIAL REVIEW.—

“(1) REVIEW REQUIRED.—Not later than January 31, 2018, and every four years thereafter through 2034, the President shall complete a review of the security sector assistance programs, policies, authorities, and resources of the United States Government across the United States Government.

“(2) ELEMENTS.—Each review under this subsection shall include the following:

“(A) An examination [of] whether the current security sector assistance programs, policies, authorities, and resources of the United States Government are sufficient to achieve the goals specified in subsection (a), and an identification of any gaps or shortfalls needing mitigation.

“(B) An examination of the success of such programs and resources in achieving such goals, based on a review of relevant departmental and inter-agency programmatic and strategic evaluations.

“(C) An examination of the extent to which the security sector assistance of the United States Gov-

ernment is aligned with national security and foreign policy objectives, conducted in support of clear and coherent policy guidance, and planned and executed in accordance with identified best practices.

“(D) The development of recommendations, as appropriate, for improving the security sector assistance programs, policies, authorities, and resources of the United States Government to more effectively achieve the goals specified in subsection (a) and support other national security objectives.

“(3) SUBMITTAL TO CONGRESS.—Not later than 60 days after the completion of a review under this subsection, the President shall submit to the appropriate committees of Congress a report setting forth a summary of the review, including any recommendations developed pursuant to paragraph (2)(D).

“(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ has the meaning given that term in section section [sic] 301(1) of title 10, United States Code, as added by section 1241(a)(3) of this Act.”

[Memorandum of President of the United States, Feb. 8, 2018, 83 F.R. 8739, provided:

[Memorandum for the Secretary of State [and] the Secretary of Defense

[By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State, in coordination with the Secretary of Defense, the functions and authorities vested in the President by section 1252 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) [set out above].

[The delegation in this memorandum shall apply to any provisions of any future public law that are the same or substantially the same as the provision referenced in this memorandum.

[The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

[DONALD J. TRUMP.]

SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS

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§311. Exchange of defense personnel between United States and friendly foreign countries: authority

(a) AUTHORITY TO ENTER INTO INTERNATIONAL EXCHANGE AGREEMENTS.—(1) The Secretary of Defense may enter into international defense personnel exchange agreements. Any exchange of personnel under such an agreement is subject to paragraph (3).

(2) For purposes of this section, an international defense personnel exchange agreement is an agreement with the government of a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange of—

(A) members of the armed forces and civilian personnel of the Department of Defense; and

(B) military and civilian personnel of the defense or security ministry of that foreign government or international or regional security organization.

(3) An exchange of personnel under an international defense personnel exchange agreement

under this section may only be made with the concurrence of the Secretary of State to the extent the exchange is with either of the following:

(A) A non-defense security ministry of a foreign government.

(B) An international or regional security organization.

(b) ASSIGNMENT OF PERSONNEL.—(1) Pursuant to an international defense personnel exchange agreement, personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense and personnel of the Department of Defense may be assigned to positions in the defense ministry of such foreign government. Positions to which exchanged personnel are assigned may include positions of instructors.

(2) An agreement for the exchange of personnel engaged in research and development activities may provide for assignment of Department of Defense personnel to positions in private industry that support the defense ministry of the host foreign government, subject to the concurrence of the Secretary of State.

(3) An individual may not be assigned to a position pursuant to an international defense personnel exchange agreement unless the assignment is acceptable to both governments.

(c) RECIPROCALITY OF PERSONNEL QUALIFICATIONS REQUIRED.—In the case of an international defense personnel exchange agreement that provides for reciprocal exchanges, each government 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; Pub. L. 115-232, div. A, title XII, §1204(c)(1)(A), Aug. 13, 2018, 132 Stat. 2017.)

Editorial Notes

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

2018—Subsec. (a)(3). Pub. L. 115-232 substituted “Secretary of State” for “Secretary to State” in introductory provisions.

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”.

Statutory Notes and Related Subsidiaries

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, the Chief of Space Operations, 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.—