

§ 265. Policies and regulations; participation of reserve officers in preparation and administration

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 523, 641, 3038, 8038, of this title.

§ 268. Ready Reserve

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 1402.

§ 269. Ready Reserve: placement in; transfer from

[See main edition for text of (a) to (c)]

(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

[See main edition for text of (e) to (g)]

(As amended Sept. 24, 1983, Pub. L. 98-94, title X, § 1018, 97 Stat. 669.)

AMENDMENTS

1983—Subsec. (d). Pub. L. 98-94 amended subsec. (d) generally, substituting “any qualified member of a reserve component or any qualified retired enlisted member of a regular component may” for “any qualified Reserve may” and “Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve” for “Retired Reserve who is entitled to retired pay may not be placed in the Ready Reserve”.

§ 270. Ready Reserve: training requirements

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 268, 1201, 1202, 1203 of this title; title 5 section 5517; title 14 section 712; title 50 App. section 456.

§ 280. Regulations

Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as he considers necessary to carry out chapters 11, 34, 39, and 59, and sections 715, 1003, 1004, 1376, 2001, 2511, 3077, 3079, 3221, 3224, 3259, 3260, 3261, 3351, 3352, 3354, 3495, 3498, 3686, 5251, 5252, 5456, 6327, 6483, 7225, 7226, 7854, 8077, 8079, 8221, 8224, 8259, 8260, 8261, 8351, 8352, 8354, 8495, 8498, and 8686 of this title. The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as he considers necessary to carry out chapters 11, 34, 39, and 59, and sections 715, 1003, 1004, 1376, 2001, and 2511 of this title, so far as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy. So far as practicable, regulations for all reserve components shall be uniform.

(As amended Oct. 19, 1984, Pub. L. 98-525, title XIV, § 1405(8), 98 Stat. 2622.)

AMENDMENTS

1984—Pub. L. 98-525 struck out reference to section 5597 of this title.

CHAPTER 15—INSURRECTION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 115 of this title.

CHAPTER 18—MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS

Sec.

379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes.

AMENDMENTS

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

§ 371. Use of information collected during military operations

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 to 3059, 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.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 373 of this title.

§ 373. Training and advising civilian law enforcement officials

(a) The Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment made available under section 372 of this title and to provide expert advice relevant to the purposes of this chapter.

(b)(1) At least once each year, the Attorney General of the United States, in consultation with the Secretary of Defense, shall conduct a briefing of law enforcement personnel of each State, including law enforcement personnel of the political subdivisions of each State, regarding information, training, technical assistance, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

(2) Each briefing conducted under paragraph (1) shall include—

(A) an explanation of the procedures for civilian law enforcement officials—

(i) to obtain information under section 371 of this title, use of equipment and facilities under section 372 of this title, and training and advice under subsection (a); and

(ii) to obtain surplus military equipment;

(B) the types of information, equipment and facilities, and training and advice available to civilian law enforcement officials from the Department of Defense; and

(C) a current, comprehensive list of military equipment which is suitable for law enforcement purposes and is available to civilian law enforcement officials from the Department of Defense or is available as surplus property from the Administrator of General Services.

(c) The Attorney General of the United States and the Administrator of General Services shall—

(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(2)(C) and to furnish information to civilian law enforcement officials on the availability of surplus military equipment; and

(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices.

(As amended Pub. L. 99-145, title XIV, § 1423(a), Nov. 8, 1985, 99 Stat. 752.)

AMENDMENTS

1985—Pub. L. 99-145 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1423(b) of Pub. L. 99-145 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1986."

§ 374. Assistance by Department of Defense personnel

(a) Subject to subsection (b), the Secretary of Defense, upon request from the head of an agency with jurisdiction to enforce—

[See main edition for text of (1) and (2)]

(3) a law relating to the arrival or departure of merchandise (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)) into or out of the customs territory of the United States (as defined in general headnote 2 of the Tariff Schedules of the United States) or any other territory or possession of the United States,

may assign personnel of the Department of Defense to operate and maintain or assist in operating and maintaining equipment made available under section 372 of this title with respect to any criminal violation of any such provision of law or with respect to assistance that such agency is authorized to furnish to any foreign government which is involved in the enforcement of similar laws¹

[See main edition for text of (b)]

(c)(1) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used as a base of operations outside the land area of the United States (or any territory, commonwealth, or possession of the United States) by Federal law enforcement officials—

(A) to facilitate the enforcement of a law listed in subsection (a); and

(B) to transport such law enforcement officials in connection with such operations;

if the Secretary of Defense, the Attorney General, and the Secretary of State jointly determine that an emergency circumstance exists.

(2)(A) Subject to subparagraph (B), equipment operated by or with the assistance of personnel assigned under subsection (a) may not be used to interdict or interrupt the passage of vessels and aircraft.

(B) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used to intercept vessels and aircraft outside the land area of the United States (or any territory, commonwealth, or possession of the United States) for the purposes of communicating with such vessels and aircraft to direct such vessels and aircraft to go to a location designated by appropriate civilian officials if the Secretary of Defense, the Attorney General, and the Secretary of State jointly determine that an emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted. Such use of equipment may continue into the land area of the United States (or any territory or possession of the United States) in cases involving the hot pursuit of vessels or aircraft where such pursuit began outside such land area.

(3) For purposes of this subsection, an emergency circumstance exists when—

(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interest of the United States; and

(B) the assistance described in this subsection would significantly enhance the enforcement of a law listed in subsection (a).

(d) In the case of a request from a head of an agency specified in subsection (a), the Secretary shall provide to that agency such assistance as the Secretary considers appropriate to carry out that agency's drug interdiction and enforcement responsibilities.

(As amended Pub. L. 98-525, title XIV, § 1405(9), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 99-570, title III, § 3056, Oct. 27, 1986, 100 Stat. 3207-77; Pub. L. 99-661, div. A, title XIII, § 1373(c), Nov. 14, 1986, 100 Stat. 4007.)

REFERENCES IN TEXT

General headnote 2 of the Tariff Schedules of the United States, referred to in subsec. (a)(3), is set out under section 1202 of Title 19, Customs Duties.

AMENDMENTS

1986—Subsec. (a), Pub. L. 99-570, § 3056(a), added provision at end relating to assistance that such agency is authorized to furnish to any foreign government which is involved in the enforcement of similar laws.

Subsec. (c), Pub. L. 99-570, § 3056(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

"(1) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned

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

under subsection (a) may be used outside the land area of the United States (or any territory or possession of the United States) as a base of operations by Federal law enforcement officials to facilitate the enforcement of a law listed in subsection (a) and to transport such law enforcement officials in connection with such operations, if—

“(A) equipment operated by or with the assistance of personnel assigned under subsection (a) is not used to interdict or to interrupt the passage of vessels or aircraft; and

“(B) the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists.

“(2) For purposes of this subsection, an emergency circumstance may be determined to exist only when—

“(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

“(B) enforcement of a law listed in subsection (a) would be seriously impaired if the assistance described in this subsection were not provided.”

Subsec. (d). Pub. L. 99-661 added subsec. (d).

1984—Subsec. (a)(3). Pub. L. 98-525 struck out “(19 U.S.C. 1202)” after “Tariff Schedules of the United States”.

ADDITIONAL DEPARTMENT OF DEFENSE DRUG LAW ENFORCEMENT ASSISTANCE

Section 3057 of Pub. L. 99-570 provided that:

“(a) GENERAL REQUIREMENT.—(1) Within 90 days after the date of the enactment of this Act [Oct. 27, 1986], the Secretary of Defense shall submit to the Congress the following:

“(A) A detailed list of all forms of assistance that shall be made available by the Department of Defense to civilian drug law enforcement and drug interdiction agencies, including the United States Customs Service, the Coast Guard, the Drug Enforcement Administration, and the Immigration and Naturalization Service.

“(B) A detailed plan for promptly lending equipment and rendering drug interdiction-related assistance included on such list.

“(2) The list required by paragraph (1)(A) shall include, but not be limited to, a description of the following matters:

“(A) Surveillance equipment suitable for detecting air, land, and marine drug transportation activities.

“(B) Communications equipment, including secure communications.

“(C) Support available from the reserve components of the Armed Forces for drug interdiction operations of civilian drug law enforcement agencies.

“(D) Intelligence on the growing, processing, and transshipment of drugs in drug source countries and the transshipment of drugs between such countries and the United States.

“(E) Support from the Southern Command and other unified and specified commands that is available to assist in drug interdiction.

“(F) Aircraft suitable for use in air-to-air detection, interception, tracking, and seizure by civilian drug interdiction agencies, including the Customs Service and the Coast Guard.

“(G) Marine vessels suitable for use in maritime detection, interception, tracking, and seizure by civilian drug interdiction agencies, including the Customs Service and the Coast Guard.

“(H) Such land vehicles as may be appropriate for support activities relating to drug interdiction operations by civilian drug law enforcement agencies, including the Customs Service, the Immigration and Naturalization Service, and other Federal agencies having drug interdiction or drug eradication responsibilities.

“(b) COMMITTEE APPROVAL AND FINAL IMPLEMENTATION.—Within 30 days after the date on which the Congress receives the list and plan submitted under such subsection, the Committees on Armed Services of

the Senate and the House of Representatives shall submit their approval or disapproval of such list and plan to the Secretary of Defense. Upon receipt of such approval or disapproval, the Secretary shall immediately convene a conference of the heads of the Federal Government agencies with jurisdiction over drug law enforcement, including the Customs Service, the Coast Guard, and the Drug Enforcement Administration, to determine the appropriate distribution of the assets, items of support, or other assistance to be made available by the Department of Defense to such agencies. Not later than 60 days after the date on which such conference convenes, the Secretary of Defense and the heads of such agencies shall enter into appropriate memoranda of agreement specifying the distribution of such assistance.

“(c) EQUIPMENT SUBJECT TO SECTION 3052(c).—Equipment identified in this section is subject to the provisions of section 3052(c) [100 Stat. 3207-75].

“(d) APPLICABILITY.—Subsections (a) and (b) shall not apply to any assets, equipment, items of support, or other assistance provided or authorized in any other provision of this title.

“(e) REVIEW BY GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall monitor the compliance of the Department of Defense with subsections (a) and (b). Not later than 90 days after the date on which the conference is convened under subsection (b), the Comptroller General shall transmit to the Congress a written report containing the Comptroller General's findings regarding the compliance of the Department of Defense with such subsections. The report shall include a review of the memoranda of agreement entered into under subsection (b).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 379 of this title.

§ 378. Nonpreemption of other law

Nothing in this chapter shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law before December 1, 1981.

(As amended Pub. L. 98-525, title XIV, § 1405(10), Oct. 19, 1984, 98 Stat. 2622.)

AMENDMENTS

1984—Pub. L. 98-525 substituted “before December 1, 1981” for “prior to the enactment of this chapter”.

§ 379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes

(a) The Secretary of Defense and the Secretary of Transportation shall provide that there be assigned on board appropriate surface naval vessels at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures.

(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

(2) as are otherwise within the jurisdiction of the Coast Guard.

(c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal

year to duty under this section. However, if at any time the Secretary of Transportation, after consultation with the Secretary of Defense, determines that there are insufficient naval vessels available for purposes of this section, such personnel may be assigned other duty involving enforcement of laws listed in section 374(a)(1) of this title.

(d) In this section, the term "drug-interdiction area" means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.

(Added Pub. L. 99-570, title III, § 3053(b)(1), Oct. 27, 1986, 100 Stat. 3207-75.)

CHAPTER 20—HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED IN CONJUNCTION WITH MILITARY OPERATIONS

- Sec. 401. Armed forces participation in humanitarian and civic assistance activities.
- 402. Approval of the Secretary of State.
- 403. Payment of expenses.
- 404. Annual report to Congress.
- 405. Definition of humanitarian and civic assistance.
- 406. Expenditure limitation.

§ 401. Armed forces participation in humanitarian and civic assistance activities

(a) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian and civic assistance activities in conjunction with authorized military operations of the armed forces in a country if the Secretary concerned determines that the activities will promote—

- (1) the security interests of both the United States and the country in which the activities are to be carried out; and
- (2) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(b) Humanitarian and civic assistance activities carried out under this chapter shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States. Such activities shall serve the basic economic and social needs of the people of the country concerned.

(c) Humanitarian and civic assistance may not be provided under this chapter (directly or indirectly) to any individual, group, or organization engaged in military or paramilitary activity.

(Added Pub. L. 99-661, div. A, title III, § 333(a)(1), Nov. 14, 1986, 100 Stat. 3857.)

§ 402. Approval of the Secretary of State

Humanitarian and civic assistance may not be provided under this chapter to any foreign country unless the Secretary of State specifically approves the provision of such assistance.

(Added Pub. L. 99-661, div. A, title III, § 333(a)(1), Nov. 14, 1986, 100 Stat. 3858.)

§ 403. Payment of expenses

(a) Expenses incurred as a direct result of providing humanitarian and civic assistance under this chapter to a foreign country shall be paid for out of funds specifically appropriated for such purpose.

(b) Nothing in this chapter may be interpreted to preclude the incurring of minimal expenditures by the Department of Defense for purposes of humanitarian and civic assistance out of funds other than funds appropriated pursuant to subsection (a).

(Added Pub. L. 99-661, div. A, title III, § 333(a)(1), Nov. 14, 1986, 100 Stat. 3858.)

§ 404. Annual report to Congress

The Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs of the House of Representatives a report, not later than March 1 of each year, on activities carried out under this chapter during the preceding fiscal year. The Secretary shall include in each such report—

- (1) a list of the countries in which humanitarian and civic assistance activities were carried out during the preceding fiscal year;
- (2) the type and description of such activities carried out in each country during the preceding fiscal year; and
- (3) the amount expended in carrying out each such activity in each such country during the preceding fiscal year.

(Added Pub. L. 99-661, div. A, title III, § 333(a)(1), Nov. 14, 1986, 100 Stat. 3858.)

§ 405. Definition of humanitarian and civic assistance

In this chapter, the term "humanitarian and civic assistance" means—

- (1) medical, dental, and veterinary care provided in rural areas of a country;
- (2) construction of rudimentary surface transportation systems;
- (3) well drilling and construction of basic sanitation facilities; and
- (4) rudimentary construction and repair of public facilities.

(Added Pub. L. 99-661, div. A, title III, § 333(a)(1), Nov. 14, 1986, 100 Stat. 3858.)

§ 406. Expenditure limitation

Not more than \$16,400,000 may be obligated or expended for the purposes of this chapter during fiscal years 1987 through 1991.

(Added Pub. L. 99-661, div. A, title III, § 333(a)(1), Nov. 14, 1986, 100 Stat. 3859.)

PART II—PERSONNEL

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