

113TH CONGRESS
1ST SESSION

H. R. 641

To amend title 32, United States Code, to codify the National Guard State Partnership Program regarding the funding sources for and purposes of the program and specifying certain limitations on the use of such funding.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2013

Ms. BORDALLO (for herself and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 32, United States Code, to codify the National Guard State Partnership Program regarding the funding sources for and purposes of the program and specifying certain limitations on the use of such funding.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Guard State
5 Partnership Program Enhancement Act”.

6 **SEC. 2. CODIFICATION OF NATIONAL GUARD STATE PART-** 7 **nership Program.**

8 (a) STATE PARTNERSHIP PROGRAM.—

1 (1) IN GENERAL.—Chapter 1 of title 32, United
2 States Code, is amended by adding at the end the
3 following new section:

4 **“§ 116. State Partnership Program**

5 “(a) PURPOSES OF PROGRAM.—The purposes of the
6 State Partnership Program of the National Guard are the
7 following:

8 “(1) To support the objectives of the com-
9 mander of the combatant command for the theater
10 of operations in which such contacts and activities
11 are conducted.

12 “(2) To support the objectives of the United
13 States chief of mission of the partner nation with
14 which contacts and activities are conducted.

15 “(3) To build international partnerships and
16 defense and security capacity.

17 “(4) To strengthen cooperation between the de-
18 partments and agencies of the United States Gov-
19 ernment and agencies of foreign governments to sup-
20 port building of defense and security capacity.

21 “(5) To facilitate intergovernmental collabora-
22 tion between the United States Government and for-
23 eign governments in the areas of defense and secu-
24 rity.

1 “(6) To facilitate and enhance the exchange of
2 information between the United States Government
3 and foreign governments on matters relating to de-
4 fense and security.

5 “(b) AVAILABILITY OF APPROPRIATED FUNDS FOR
6 PROGRAM.—(1) Funds appropriated to the Department of
7 Defense, including funds appropriated for the Air and
8 Army National Guard, shall be available for the payment
9 of costs incurred by the National Guard to conduct activi-
10 ties under the State Partnership Program, whether those
11 costs are incurred inside or outside the United States.

12 “(2) Costs incurred by the National Guard and cov-
13 ered under paragraph (1) may include the following:

14 “(A) Costs of pay and allowances of members
15 of the National Guard.

16 “(B) Travel and necessary expenses of United
17 States personnel outside of the Department of De-
18 fense in support of the State Partnership Program.

19 “(C) Travel and necessary expenses of foreign
20 participants directly supporting activities under the
21 State Partnership Program.

22 “(c) LIMITATIONS ON USE OF FUNDS.—(1) Funds
23 shall not be available under subsection (b) for activities
24 conducted in a foreign country unless jointly approved
25 by—

1 “(A) the commander of the combatant com-
2 mand concerned; and

3 “(B) the chief of mission concerned, with the
4 concurrence of the Secretary of State.

5 “(2) Funds shall not be available under subsection
6 (b) for the participation of a member of the National
7 Guard in activities in a foreign country unless the member
8 is on active duty in the armed forces at the time of such
9 participation.

10 “(3) Funds shall not be available under subsection
11 (b) for interagency activities involving United States civil-
12 ian personnel or foreign civilian personnel unless the par-
13 ticipation of such personnel in such activities—

14 “(A) contributes to responsible management of
15 defense resources;

16 “(B) fosters greater respect for and under-
17 standing of the principle of civilian control of the
18 military;

19 “(C) contributes to cooperation between the
20 United States armed forces and civilian govern-
21 mental agencies and foreign military and civilian
22 government agencies; or

23 “(D) improves international partnerships and
24 capacity on matters relating to defense and security.

1 “(d) REIMBURSEMENT.—(1) In the event of the par-
2 ticipation of United States Government participants
3 (other than personnel of the Department of Defense) in
4 activities for which payment is made under subsection (b),
5 the head of the department or agency concerned shall re-
6 imburse the Secretary of Defense for the costs associated
7 with the participation of such personnel in such contacts
8 and activities.

9 “(2) Amounts received under paragraph (1) shall be
10 deposited in the appropriation or account from which
11 amounts for the payment concerned were derived. Any
12 amounts so deposited shall be merged with amounts in
13 such appropriation or account, and shall be available for
14 the same purposes, and subject to the same conditions and
15 limitations, as amounts in such appropriation or account.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘State Partnership Program’
18 means a program that establishes a defense and se-
19 curity relationship between the National Guard of a
20 State or territory and the military and security
21 forces, and related disaster management, emergency
22 response, and security ministries, of a foreign coun-
23 try.

24 “(2) The term ‘activities’, for purposes of the
25 State Partnership Program, means any military-to-

1 military activities or interagency activities for a pur-
2 pose set forth in subsection (a)(1).

3 “(3) The term ‘interagency activities’ means the
4 following:

5 “(A) Contacts between members of the Na-
6 tional Guard and foreign civilian personnel out-
7 side the ministry of defense of the foreign coun-
8 try concerned on a matter within the core com-
9 petencies of the National Guard.

10 “(B) Contacts between United States civil-
11 ian personnel and members of the military and
12 security forces of a foreign country or foreign
13 civilian personnel on a matter within the core
14 competencies of the National Guard.

15 “(4) The term ‘matter within the core com-
16 petencies of the National Guard’ means matters with
17 respect to the following:

18 “(A) Disaster response and mitigation.

19 “(B) Defense support to civil authorities.

20 “(C) Consequence management and instal-
21 lation protection.

22 “(D) Response to a chemical, biological,
23 radiological, nuclear, or explosives (CBRNE)
24 event.

1 “(E) Border and port security and co-
2 operation with civilian law enforcement.

3 “(F) Search and rescue.

4 “(G) Medicine.

5 “(H) Counter-drug and counter-narcotics
6 activities.

7 “(I) Public affairs.

8 “(J) Employer support and family support
9 for reserve forces.

10 “(5) The term ‘United States civilian personnel’
11 means the following:

12 “(A) Personnel of the United States Gov-
13 ernment (including personnel of departments
14 and agencies of the United States Government
15 other than the Department of Defense) and
16 personnel of State and local governments of the
17 United States.

18 “(B) Members and employees of the legis-
19 lative branch of the United States Government.

20 “(C) Non-governmental individuals.

21 “(6) The term ‘foreign civilian personnel’
22 means the following:

23 “(A) Civilian personnel of a foreign gov-
24 ernment at any level (including personnel of
25 ministries other than ministries of defense).

1 “(B) Non-governmental individuals of a
2 foreign country.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 1 of such title is
5 amended by adding at the end the following new
6 item:

“116. State Partnership Program.”.

7 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
8 1210 of the National Defense Authorization Act for Fiscal
9 Year 2010 (Public Law 111–84; 123 Stat. 2517; 32
10 U.S.C. 107 note) is repealed.

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