

Pub. L. 112-239, div. B, title XXVIII, §2854(c), Jan. 2, 2013, 126 Stat. 2162, provided that: "Any reference to the Department of Defense Center for Hemispheric Defense Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the William J. Perry Center for Hemispheric Defense Studies."

TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL

Pub. L. 110-417, [div. A], title IX, §941(b), Oct. 14, 2008, 122 Stat. 4577, as amended by Pub. L. 111-383, div. A, title IX, §941, Jan. 7, 2011, 124 Stat. 4340; Pub. L. 112-239, div. A, title IX, §953, Jan. 2, 2013, 126 Stat. 1895; Pub. L. 113-66, div. A, title X, §1094(b), Dec. 26, 2013, 127 Stat. 878; Pub. L. 113-291, div. A, title IX, §913, Dec. 19, 2014, 128 Stat. 3474, provided a temporary waiver of reimbursement of costs of activities for nongovernmental personnel, prior to repeal by Pub. L. 114-328, div. A, title XII, §1241(e)(5)(A), Dec. 23, 2016, 130 Stat. 2507.

§ 343. Western Hemisphere Institute for Security Cooperation

(a) ESTABLISHMENT AND ADMINISTRATION.—(1) The Secretary of Defense may operate an education and training facility for the purpose set forth in subsection (b). The facility shall be known as the "Western Hemisphere Institute for Security Cooperation".

(2) The Secretary may designate the Secretary of a military department as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

(b) PURPOSE.—The purpose of the Institute is to provide professional education and training to eligible personnel of countries of the Western Hemisphere within the context of the democratic principles set forth in the Charter of the Organization of American States (such charter being a treaty to which the United States is a party), while fostering mutual knowledge, transparency, confidence, and cooperation among the participating countries and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

(c) ELIGIBLE PERSONNEL.—(1) Subject to paragraph (2), personnel of countries of the Western Hemisphere are eligible for education and training at the Institute as follows:

- (A) Military personnel.
- (B) Law enforcement personnel.
- (C) Civilian personnel.

(2) The Secretary of State shall be consulted in the selection of foreign personnel for education or training at the Institute.

(d) CURRICULUM.—(1) The curriculum of the Institute shall include mandatory instruction for each student, for at least 8 hours, on human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

(2) The curriculum may include instruction and other educational and training activities on the following:

- (A) Leadership development.
- (B) Counterdrug operations.
- (C) Peace support operations.
- (D) Disaster relief.
- (E) Any other matter that the Secretary determines appropriate.

(e) BOARD OF VISITORS.—(1) There shall be a Board of Visitors for the Institute. The Board shall be composed of the following:

(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate, or a designee of either of them.

(B) The chairman and ranking minority member of the Committee on Armed Services of the House of Representatives, or a designee of either of them.

(C) Six persons designated by the Secretary of Defense including, to the extent practicable, persons from academia and the religious and human rights communities.

(D) One person designated by the Secretary of State.

(E) The senior military officer responsible for training and doctrine for the Army or, if the Secretary of the Navy or the Secretary of the Air Force is designated as the executive agent of the Secretary of Defense under subsection (a)(2), the senior military officer responsible for training and doctrine for the Navy or Marine Corps or for the Air Force or Space Force, respectively, or a designee of the senior military officer concerned.

(F) The commanders of the combatant commands having geographic responsibility for the Western Hemisphere, or the designees of those officers.

(2) A vacancy in a position on the Board shall be filled in the same manner as the position was originally filled.

(3) The Board shall meet at least once each year.

(4)(A) The Board shall inquire into the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute, other matters relating to the Institute that the Board decides to consider, and any other matter that the Secretary of Defense determines appropriate.

(B) The Board shall review the curriculum of the Institute to determine whether—

- (i) the curriculum complies with applicable United States laws and regulations;
- (ii) the curriculum is consistent with United States policy goals toward Latin America and the Caribbean;
- (iii) the curriculum adheres to current United States doctrine; and
- (iv) the instruction under the curriculum appropriately emphasizes the matters specified in subsection (d)(1).

(5) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary of Defense a written report of its activities and of its views and recommendations pertaining to the Institute.

(6) Members of the Board shall not be compensated by reason of service on the Board.

(7) With the approval of the Secretary of Defense, the Board may accept and use the services of voluntary and uncompensated advisers appropriate to the duties of the Board without regard to section 1342 of title 31.

(8) Members of the Board and advisers whose services are accepted under paragraph (7) shall be allowed travel and transportation expenses, including per diem in lieu of subsistence, while

away from their homes or regular places of business in the performance of services for the Board. Allowances under this paragraph shall be computed—

(A) in the case of members of the Board who are officers or employees of the United States, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5; and

(B) in the case of other members of the Board and advisers, as authorized under section 5703 of title 5 for employees serving without pay.

(9) Chapter 10 of title 5, other than section 1013 of title 5 (relating to termination after two years), shall apply to the Board.

(f) **AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.**—(1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Institute.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Institute for the same purposes and same period as the appropriations with which merged.

(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds \$1,000,000 in any fiscal year. Any such notice shall list each of the contributors of such money and the amount of each contribution in such fiscal year.

(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

(g) **FIXED COSTS.**—The fixed costs of operating and maintaining the Institute for a fiscal year may be paid from—

(1) any funds available for that fiscal year for operation and maintenance for the executive agent designated under subsection (a)(2); or

(2) if no executive agent is designated under subsection (a)(2), any funds available for that fiscal year for the Department of Defense for operation and maintenance for Defense-wide activities.

(h) **TUITION.**—Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.

(i) **ANNUAL REPORT.**—Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a detailed report on the activities of the Institute during the preceding year. The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report. The report shall be prepared in consultation with the Secretary of State.

(Added Pub. L. 106-398, § 1 [div. A], title IX, § 911(a), Oct. 30, 2000, 114 Stat. 1654, 1654A-226,

§ 2166; amended Pub. L. 107-107, div. A, title X, § 1048(a)(16), Dec. 28, 2001, 115 Stat. 1223; Pub. L. 107-314, div. A, title IX, § 932, Dec. 2, 2002, 116 Stat. 2625; Pub. L. 110-181, div. A, title IX, § 956, Jan. 28, 2008, 122 Stat. 296; renumbered § 343 and amended Pub. L. 114-328, div. A, title XII, § 1241(f), Dec. 23, 2016, 130 Stat. 2507; Pub. L. 116-283, div. A, title IX, § 924(b)(12), Jan. 1, 2021, 134 Stat. 3823; Pub. L. 117-286, § 4(a)(45), Dec. 27, 2022, 136 Stat. 4310.)

Editorial Notes

AMENDMENTS

2022—Subsec. (e)(9). Pub. L. 117-286 substituted “Chapter 10 of title 5, other than section 1013 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14”.

2021—Subsec. (e)(1)(E). Pub. L. 116-283 inserted “or Space Force” after “for the Air Force”.

2016—Pub. L. 114-328, § 1241(f)(1), renumbered section 2166 of this title as this section.

Subsecs. (b), (c). Pub. L. 114-328, § 1241(f)(2), substituted “countries” for “nations” wherever appearing.

2008—Subsec. (e)(1)(F). Pub. L. 110-181 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “The commander of the unified combatant command having geographic responsibility for Latin America, or a designee of that officer.”

2002—Subsecs. (f) to (h). Pub. L. 107-314, § 932(a), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

Subsec. (i). Pub. L. 107-314, § 932(a)(1), (b), redesignated subsec. (h) as (i) and inserted after first sentence “The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report.”

2001—Subsec. (e)(9). Pub. L. 107-107 substituted “(5 U.S.C. App.)” for “(5 U.S.C. App. 2)”.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (i) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

§ 344. Participation in multinational centers of excellence

(a) **PARTICIPATION AUTHORIZED.**—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational center of excellence for purposes of—

(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

(b) **MEMORANDUM OF UNDERSTANDING.**—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, or entered into by the Secretary of State, and the foreign nation or nations concerned.