SEC. ___. PARTICIPATION IN AND SUPPORT OF THE INTER-AMERICAN DEFENSE COLLEGE.

(a) IN GENERAL.—Subchapter V of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

"**§ 351. Inter-American Defense College**

"(a) AUTHORITY TO SUPPORT.—The Secretary of Defense may authorize members of the armed forces and civilian personnel of the Department of Defense to participate in the operation of and the provision of support to the Inter-American Defense College and provide logistic support, supplies, and services to the Inter-American Defense College, including the use of Department of Defense facilities and equipment, as the Secretary considers necessary to—

"(1) assist the Inter-American Defense College in its mission to develop and offer to military officers and civilian officials from member states of the Organization of American States advanced academic courses on matters related to military and defense issues, the inter-American system, and related disciplines; and

"(2) ensure that the Inter-American Defense College provides an academic program of a level of quality, rigor, and credibility that is commensurate with the standards of Department of Defense senior service colleges and that includes the promotion of security cooperation, human rights, humanitarian assistance and disaster response, peacekeeping, and democracy in the Western Hemisphere.

"(b) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of Defense, with the concurrence of the Secretary of State, shall enter into a memorandum of understanding with the Inter-American Defense Board for the participation of members of the armed forces and

civilian personnel of the Department of Defense in the operation of and provision of host nation support to the Inter-American Defense College under subsection (a).

"(2) If Department of Defense facilities, equipment, or funds will be used to support the Inter-American Defense College under subsection (a), a memorandum of understanding entered into under paragraph (1) shall include a description of any cost-sharing arrangement or other funding arrangement relating to the use of such facilities, equipment, or funds.

"(c) USE OF FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance may be used to pay costs that the Secretary determines are necessary for the participation of members of the armed forces and civilian personnel of the Department of Defense in the operation of and provision of host nation support to the Inter-American Defense College, including—

"(A) the costs of expenses of such participants;

"(B) the cost of hiring and retaining qualified professors, instructors, and lecturers;

"(C) curriculum support costs, including administrative costs, academic outreach, and curriculum support personnel;

"(D) the cost of translation and interpretation services;

"(E) the cost of information and educational technology;

"(F) the cost of utilities; and

"(G) the cost of maintenance and repair of facilities.

"(2) No funds may be used under this section to provide for the pay of members of the armed forces or civilian personnel of the Department of Defense who participate in the

operation of and the provision of host nation support to the Inter-American Defense College under this section.

"(3) Funds available to carry out this section for a fiscal year may be used for activities that begin in such fiscal year and end in the next fiscal year.

"(d) WAIVER OF REIMBURSEMENT.—The Secretary of Defense may waive reimbursement of the costs of funding and other host nation support provided to the Inter-American Defense College under this section if the Secretary determines that the provision of such funding or support without reimbursement is in the national security interest of the United States.

"(e) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350 of this title.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of such title is amended by adding at the end the following new item:

"Sec. 351. Inter-American Defense College.".

Section-by-Section Analysis

This proposal would provide a permanent authority for the Department of Defense (DoD) to provide DoD personnel and funding support to the Inter-American Defense College (IADC). DoD previously relied on section 1050 of title 10, United States Code, which was consolidated into section 312 of title 10 as part of the security cooperation reform enacted in the National Defense Authorization Act for Fiscal Year 2017. Section 312 does not authorize the type of support provided to the IADC pursuant to section 1050.

The IADC is an international military educational organization that operates under the auspices of the Inter-American Defense Board (IADB). The IADB was originally organized in 1942, with the intent of coordinating Western Hemisphere defense efforts. In March 2006, the General Assembly of the Organization of American States (OAS), with U.S. participation and assent, passed a formal resolution making the IADB an independent international military organization of the OAS, and making the IADC an "organ" of the IADB. The IADC's mission is to develop and offer to military officers and civilian officials from member states of the OAS advanced academic courses on matters related to military and defense issues, the inter-American

system, and related disciplines. The United States serves as the host nation for the IADC, which is located on board the U.S. Army installation at Fort Lesley J. McNair in Washington, DC, and in deference to the U.S. role as host nation, the IADC's Director is a U.S. 2-star General or Flag Officer.

DoD has previously provided personnel and funding support to the IADC under the authority of 10 USC 1050, which states that the Secretary of Defense or the Secretaries of the Military Departments may pay the travel, subsistence, and special compensation of officers and students of Latin American countries ". . . *and other expenses* that the Secretary deems necessary for Latin American cooperation" (emphasis added). On August 17, 2010, Deputy Secretary of Defense William Lynn advised the Under Secretary of Defense for Policy in writing that DoD had authority under 10 USC 1050 to provide funding support for the IADC and that such DoD funding support was necessary for Latin American cooperation and for DoD's efforts to build capacity in the Americas. Accordingly, DoD has provided U.S. military and DoD civilian personnel (in addition to the Director) to serve in billets at the IADC, and DoD organizations (primarily the U.S. Army, which is designated in the DoD Financial Management Regulation as the Administrative Agent for DoD funding support to the IADB/IADC) have provided the IADC approximately $1.8 million per year in direct operation and maintenance (O&M) funding support. This DoD funding comprises more than 87 percent of the total annual funding received by the IADC, and is absolutely critical to the IADC's continued ability to offer an advanced academic program commensurate with U.S. DoD senior service schools.

As part of a much larger legislative effort to consolidate all of DoD's security cooperation authorities, section 1243(b)(1) of the National Defense Authorization Act (NDAA) for fiscal year (FY) 2017 repealed 10 USC 1050, without retaining 10 USC 1050's previous broad language that allowed the Secretary of Defense to expend DoD funds for "other expenses" the Secretary deems necessary for Latin American cooperation. The significant, negative impact of section 1243(b)(1) on DoD's ability to provide funding support to the IADC was only recognized very late in the FY 2017 legislative process, and, as a result, Congress enacted section 1243(c) of the NDAA for FY 2017, which provided a one-year savings provision stating that 10 USC 1050 "will continue to apply to the IADC during fiscal year 2017." DoD has submitted to Congress, through the Office of Management and Budget (OMB), an FY 2018 legislative proposal to extend for one additional year (through September 30, 2018) the savings provision in section 1243(c) of the NDAA for FY 2017, in order to allow DoD and the new Administration time to develop and submit during the FY 2019 legislative cycle this more specific legislative proposal to authorize DoD funding and support to the IADC.

The statutory authority for participation of DoD personnel in and DoD funding support of North Atlantic Treaty Organization (NATO) multinational military centers of excellence set forth in 10 USC 344 was used as a starting model for this proposal, which would add to Chapter 16, subchapter V, of title 10 a new section 351 authorizing DoD personnel participation in and support of the IADC. Section 351(a) would allow the Secretary of Defense to authorize the participation of members of the armed forces and DoD civilian personnel in operations of and the provision of host nation support to the IADC, for the purposes of assisting the IADC in accomplishing its international educational mission (351(a)(1)) and ensuring that the IADC's academic program promotes important U.S./DoD program goals (security cooperation, human

rights, peacekeeping, democracy, etc.) and is of a quality commensurate with DoD senior service colleges (351(a)(2)).

Section 351(b) parallels 10 USC 344(b) in requiring that DoD participation in and host nation support of the IADC be in accordance with the terms of one or more memoranda of understanding (MOUs) between DoD and the IADB, with State Department concurrence, and that such MOUs provide details of any cost-sharing or funding arrangements.

Section 351(c) of the proposal would authorize the use of DoD operation and maintenance (O&M) funds to pay costs that the Secretary of Defense deems necessary for the participation of DoD military and civilian personnel in operating and providing host nation support to the IADC, and provides a non-exclusive list of costs that may be included such as obtaining qualified professors, curriculum support, translation and interpretation services, information and educational technology, and maintenance and repair of facilities. Section 351(c) would allow the Secretary of Defense to exercise discretion in determining the level of DoD funding and host nation support he or she deems necessary, and would allow the use of O&M funds available for a fiscal year to be used for activities that begin in such fiscal year but end in the next fiscal year (351(c)(3)). Section 351(d) would enhance the previous DoD funding authority in 10 USC 1050 by authorizing DoD to provide the IADC additional host nation support in the form of logistic support, supplies, and services in accordance with MOUs entered into with the IADB, with State Department concurrence. For purposes of this section, the term "logistic support, supplies, and services" would be defined exactly as it is in 10 USC 2350(1), which means that DoD could provide the IADC, as the Secretary of Defense deems necessary, things like food, transportation (including airlift), base operations support, use of facilities, and training services. Such support would be identical to support that DoD already provides to the United Nations and NATO under acquisition and cross-servicing agreements and is considered appropriate since the United States is the IADC's host nation and the IADC is located on a U.S. Army installation at Ft. McNair.

Section 351(e) of the proposal would authorize the Secretary of Defense to waive reimbursement of the costs of DoD funding and other host nation support provided to the IADC upon a determination by the Secretary that such a waiver is in U.S. national security interests. Many OAS member nations do not have robust national economies similar to NATO nations and other major non-NATO allies; therefore, granting the Secretary of Defense authority to decide whether or not to seek reimbursement of costs from the OAS/IADB is desirable to enable DoD to support those aspects of the IADC's academic program that the Secretary deems necessary for U.S./DoD interests. Section 351(f) would require that the U.S. State Department, through the appropriate U.S. Country Teams, conduct vetting of prospective IADC foreign military students and staff members for alleged gross violations of human rights as a condition of the IADC receiving DoD funding and other support. Finally, Section 351(g) would require the Secretary of Defense to prescribe regulations to implement this new statutory authority.

Budget Implications: This proposal is funded in the FY2019 President's Budget.

RESOURCE REQUIREMENTS ($MILLIONS)

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Appropriation From	Budget Activity	Dash-1 Line Item	Program Element
IADC Support	$1.858	$1.878	$1.883	$1.905	$1.943	Operation and Maintenance, Army	04	442	1001010A
Total	$1.858	$1.878	$1.883	$1.905	$1.943	--	--	--	--

Changes to Existing Law: This proposal would insert a new section in chapter 16 of title 10, United States Code, shown in full in the legislative language above.