Editorial Notes

REFERENCES IN TEXT

Section 376 of this title, referred to in subsecs. (e) and (g)(2), was renumbered section 276 of this title by Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

Section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991, referred to subsec. (f), is section 1206(a) of Pub. L. 101–189, which is set out as a note under section 124 of this title.

Section 375, referred to in subsec. (g)(2), was renumbered section 275 of this title by Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (h)(1)(A)(vi)(VI), is section 1033 of Pub. L. 105–85, div. A, title X, Nov. 18, 1997, 111 Stat. 1881, which is not classified to the Code.

AMENDMENTS

2023—Subsec. (b)(9). Pub. L. 118–31, §1010, substituted ''linguist, intelligence analysis, and planning'' for ''linguist and intelligence analysis''.

Subsec. (i)(3). Pub. L. 118–31, §1011, substituted ''$1,000,000'' for ''$750,000''.

2021—Subsec. (h)(3). Pub. L. 116–283 added par. (3).

2019—Subsec. (e). Pub. L. 116–92, §1731(a)(14)(A), substituted ''section 276'' for ''section 376''.

Subsec. (f). Pub. L. 116–92, §1731(a)(14)(B), inserted second closing parenthesis after ''103 Stat. 1564)''.

Subsec. (g)(2). Pub. L. 116–92, §1731(a)(14)(C), substituted ''section 275'' for ''section 375''.

Pub. L. 116–92, §1731(a)(14)(A), substituted ''section 276'' for ''section 376''.

Subsec. (h)(1)(A)(vi)(VI). Pub. L. 116–92, §1731(a)(14)(D), struck out ''section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and'' after ''authorized by''.

2016—Pub. L. 114–328, §1241(a)(2), renumbered section 384 of this title as this section.

Statutory Notes and Related Subsidiaries

COOPERATION WITH MEXICO

Pub. L. 118–31, div. A, title X, §1013(b), Dec. 22, 2023, 137 Stat. 381, provided that: ''The Secretary of Defense shall seek to enhance cooperation with defense officials of the Government of Mexico to target, disrupt, and degrade transnational criminal organizations within Mexico that traffic fentanyl.''

DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE ASSISTANCE TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES

Pub. L. 114–92, div. A, title X, §1059, Nov. 25, 2015, 129 Stat. 986, as amended by Pub. L. 116–283, div. A, title X, §1056(a), (b), Jan. 1, 2021, 134 Stat. 3855, provided that:

''(a) AUTHORITY.—

''(1) PROVISION OF ASSISTANCE.—

''(A) IN GENERAL.—The Secretary of Defense may provide assistance to United States Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern land border of the United States in accordance with the requirements of this section.

''(B) REQUIREMENTS.—If the Secretary provides assistance under subparagraph (A), the Secretary shall ensure that the provision of the assistance will not negatively affect military training, operations, readiness, or other military requirements.

''(2) NOTIFICATION REQUIREMENT.—Not later than 7 days after the date on which the Secretary approves a request for assistance from the Department of Homeland Security under paragraph (1), the Secretary shall electronically transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives notice of such approval.

''(b) CONCURRENCE IN ASSISTANCE.—Assistance under subsection (a) shall be provided with the concurrence of the Secretary of Homeland Security.

''(c) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include the following:

''(1) Deployment of members and units of the regular and reserve components of the Armed Forces to the southern land border of the United States.

''(2) Deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern land border of the United States.

''(3) Intelligence analysis support.

''(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense is authorized to deploy such materiel and equipment and logistics support as is necessary to ensure the effectiveness of assistance provided under subsection (a).

''(e) FUNDING.—Of the amounts authorized to be appropriated for the Department of Defense by this Act [see Tables for classification], the Secretary of Defense may use up to $75,000,000 to provide assistance under subsection (a).

''(f) REPORTS.—

''(1) REPORT REQUIRED.—At the end of each three-month period during which assistance is provided under subsection (a), the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall submit to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives a report that includes, for the period covered by the report, each of the following:

''(A) A description of the assistance provided.

''(B) A description of the Armed Forces, including the reserve components, deployed as part of such assistance, including an identification of—

''(i) the members of the Armed Forces, including members of the reserve components, deployed, including specific information about unit designation, size of unit, and whether any personnel in the unit deployed under section 12302 of title 10, United States Code;

''(ii) the projected length of the deployment and any special pay and incentives for which deployed personnel may qualify during the deployment;

''(iii) any specific pre-deployment training provided for such members of the Armed Forces, including members of the reserve components;

''(iv) the specific missions and tasks, by location, that are assigned to the members of the Armed Forces, including members of the reserve components, who are so deployed; and

''(v) the locations where units so deployed are conducting their assigned mission, together with a map showing such locations.

''(C) A description of any effects of such deployment on military training, operations, readiness, or other military requirements.

''(D) The sources and amounts of funds obligated or expended—

''(i) during the period covered by the report; and

''(ii) during the total period for which such support has been provided.

''(2) FORM OF REPORT.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.''

[Pub. L. 116–283, div. A, title X, §1056(c), Jan. 1, 2021, 134 Stat. 3856, provided that: ''The Law Revision Counsel is directed to move section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 986; 10 U.S.C. 271 note prec.), as amended by this section, to a note following section 284 of title 10, United States Code.'']

CHAPTER 16—SECURITY COOPERATION

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SUBCHAPTER I—GENERAL MATTERS

Sec.
301. Definitions.

§ 301. Definitions

In this chapter:

(1) The terms ''appropriate congressional committees'' and ''appropriate committees of Congress'' mean—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term ''defense article'' has the meaning given that term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(3) The term ''defense service'' has the meaning given that term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(4) The term ''developing country'' has the meaning prescribed by the Secretary of Defense for purposes of this chapter in accordance with section 1241(n) of the National Defense Authorization Act for Fiscal Year 2017.

(5) The term ''incremental expenses'', with respect to a foreign country—

(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country's participation in activities authorized by this chapter; and

(B) does not include—

(i) any form of lethal assistance (excluding training ammunition); or

(ii) pay, allowances, and other normal costs of the personnel of the country.

(6) The term ''national security forces'', in the case of a foreign country, means the following:

(A) National military and national-level security forces of the foreign country that have the functional responsibilities for which training is authorized in section 333(a) of this title.

(B) With respect to operations referred to in section 333(a)(2) of this title, military and civilian first responders of the foreign country at the national or local level that have such operations among their functional responsibilities.

(7) The term ''security cooperation programs and activities of the Department of Defense'' means any program, activity (including an exercise), or interaction of the Department of Defense with the security establishment of a foreign country to achieve a purpose as follows:

(A) To build and develop allied and friendly security capabilities for self-defense and multinational operations.

(B) To provide the armed forces with access to the foreign country during peacetime or a contingency operation.

(C) To build relationships that promote specific United States security interests.

(8) The term ''small-scale construction'' means construction at a cost not to exceed $2,000,000 for any project.

(9) The term ''training'' has the meaning given the term ''military education and training'' in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(Added Pub. L. 114–328, div. A, title XII, § 1241(a)(3), Dec. 23, 2016, 130 Stat. 2498; amended Pub. L. 115–232, div. A, title XII, § 1203(a), Aug. 13, 2018, 132 Stat. 2016; Pub. L. 118–31, div. A, title XII, § 1203(a), Dec. 22, 2023, 137 Stat. 441.)

Editorial Notes

REFERENCES IN TEXT

Section 1241(n) of the National Defense Authorization Act for Fiscal Year 2017, referred to in par. (4), is section 1241(n) of Pub. L. 114–328, which is set out as a note below.

AMENDMENTS

2023—Par. (8). Pub. L. 118–31 substituted ''$2,000,000'' for ''$1,500,000''.

2018—Par. (8). Pub. L. 115–232 substituted ''$1,500,000'' for ''$750,000''.

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 114–328, div. A, title XII, § 1253(b), Dec. 23, 2016, 130 Stat. 2532, as amended by Pub. L. 115–91, div. A, title X, § 1081(d)(14), Dec. 12, 2017, 131 Stat. 1600, provided that: ''Any determination or other action made or taken before the date of the enactment of this Act [Dec. 23, 2016] under a provision of law transferred or repealed by this subtitle [subtitle E (§§ 1241–1253) of title XII of Pub. L. 114–328, see Tables for classification] that is in effect as of the date of the enactment of this Act and is necessary for the administration of a successor authority to such provision of law under chapter 16 of title 10, United States Code, by reason of the enactment of such chapter by this subtitle shall remain in effect, in accordance with the terms of such determination or action when made or taken, for purposes of the administration of such successor authority.''

ESTABLISHMENT OF DEPARTMENT OF DEFENSE WORKING GROUP ON MULTILATERAL ARTIFICIAL INTELLIGENCE COORDINATION

Pub. L. 118–159, div. A, title X, § 1087, Dec. 23, 2024, 138 Stat. 2079, provided that:

''(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall establish a working group, or designated [sic] a working group of a similar nature, to develop and coordinate artificial intelligence initiatives among the allies and partners of the United States.

''(b) ORGANIZATION.—

''(1) DESIGNATION OF HEAD.—The Secretary shall designate a senior civilian officer of the Department of Defense or senior military officer with experience

leading relevant efforts, as determined by the Secretary, to serve as the head of the working group.

''(2) PARTICIPATION BY OTHER MEMBER COUNTRIES.—The Secretary shall establish a process to determine which allies and partners of the United States shall be asked to participate as member countries in the working group.

''(c) RESPONSIBILITIES.—The responsibilities of the working group shall be to develop and coordinate efforts to implement an artificial intelligence initiative between the Department of Defense and allies and partners of the United States, including by—

''(1) comparing tools and practices for artificial intelligence systems for covered operational uses by member countries;

''(2) identifying (including by experimenting, testing, and evaluating) potential solutions to advance and accelerate the interoperability of artificial intelligence systems used for intelligence sharing, battlespace awareness, and other covered operational uses;

''(3) developing a shared strategy for the research, development, test, evaluation, and employment of artificial intelligence systems for covered operational uses carried out jointly by the member countries;

''(4) managing data for artificial intelligence systems, including multi-level security of training and operational data used by such systems;

''(5) testing and evaluating the capabilities of the defense industrial base of the member countries to incorporate artificial intelligence systems into systems used for covered operational uses;

''(6) expanding innovation efforts by the member countries and share among such countries best practices for the accelerated procurement and adoption of artificial intelligence technologies for covered operational uses; [and]

''(7) carrying out such other activities as the Secretary determines to be relevant to such responsibilities.

''(d) CONTROL OF KNOWLEDGE AND TECHNICAL DATA.—The Secretary shall seek to ensure that any knowledge or technical data produced by a member country under any cooperative project carried out by the working group shall be controlled by that country under the export control laws and regulations of that country and shall not be subject to the jurisdiction or control of any other member country.

''(e) TERMINATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the working group shall terminate on September 30, 2028.

''(2) AUTHORITY TO EXTEND.—The Secretary may extend the termination date under paragraph (1) if the Secretary determines such extension to be in the national security interests of the United States.

''(f) DEFINITIONS.—In this section:

''(1) The term 'battlespace awareness' has the meaning given that term in the Joint Publication 1–02 of the Department of Defense, titled 'Department of Defense Dictionary of Military and Associated Terms', or successor publication.

''(2) The term 'covered operational use' means use by a government for operations in a defense context.

''(3) The term 'member country' means a member country of the working group.''

ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS FOR MULTILATERAL SECURITY COOPERATION PROGRAMS AND ACTIVITIES

Pub. L. 118–159, div. A, title XII, §1208, Dec. 23, 2024, 138 Stat. 2095, provided that:

''(a) AUTHORITY TO ACCEPT AND EXPEND CONTRIBUTIONS.—The Secretary of Defense, with the concurrence of the Secretary of State, may accept, manage, and expend contributions, including funds and defense articles and defense services, from foreign governments for mutually agreed upon purposes to carry out security cooperation programs and activities of the Department of Defense authorized by—

''(1) chapter 16 of title 10, United States Code;

''(2) the Taiwan Security Cooperation Initiative authorized by section 1323 [22 U.S.C. 3302 note]; or

''(3) section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068).

''(b) ACCOUNT REQUIREMENTS.—

''(1) FUNDS.—Contributions of funds accepted under subsection (a) shall be placed in an account established for such purpose and shall remain available for the following 2 fiscal years for the mutually agreed upon purposes specified in subsection (a).

''(2) DEFENSE ARTICLES.—Contributions of defense articles accepted under subsection (a) shall be placed in United States inventory.

''(3) SEPARATE COUNTRY ACCOUNTS.—The Secretary of Defense shall establish a separate sub-account for each country under the account established under paragraph (1).

''(4) COMPLIANCE.—Such expenditures and provision of defense articles and services shall comply with the prohibitions and limitations, notice, reporting, and other requirements specified in such authorities or applicable statute.

''(c) PREVIOUSLY DENIED FUNDS.—Funds accepted or otherwise made available under subsection (a) may not be expended, in whole or in part, for any purpose for which Congress has previously denied funds.

''(d) NOTIFICATION REQUIRED.—Not later than 48 hours after receiving a contribution under subsection (a), the Secretary of Defense shall provide to the appropriate committees of Congress a written notification that, at a minimum, includes an identification of the following:

''(1) The foreign government making the contribution.

''(2) The mutually agreed upon purpose for which the contribution is being made.

''(3) The process and anticipated timeline for the use of such contribution under the authorities specified in subsection (a).

''(4) Any other condition or limitation placed on the contribution by the foreign government making the contribution.

''(e) ANNUAL REPORT.—Not later than March 1, 2026, and March 1 of each year thereafter through 2030, the Secretary shall submit to the appropriate committees of Congress a report on any funds accepted or expended under this section during the preceding calendar year, including the following:

''(1) An identification of the foreign government or governments involved from which contributions were received.

''(2) For each foreign government—

''(A) the amount of funds, equipment, or type of services provided by the foreign government; and

''(B) the amount of any remaining unobligated balance or accepted equipment remaining in United States inventory.

''(3) A description of the purpose of such contributions were provided.

''(4) A description of any written agreement entered into with a country under this section, including the date on which the agreement was signed.

''(f) SUBMISSION OF INSTRUMENTS.—

''(1) IN GENERAL.—Not later than 30 days after the signature, conclusion, or other finalization of any non-binding instrument related to the implementation of this section, the President shall submit to the appropriate committees of Congress the text of such agreement or instrument.

''(2) NON-DUPLICATION OF EFFORTS; RULE OF CONSTRUCTION.—To the extent the text of a non-binding instrument is submitted to the appropriate committees of Congress pursuant to paragraph (1), such text shall not be required to be submitted to Congress pursuant to section 112b(a)(1)(A)(ii) of title 1, United States Code. Paragraph (1) may not be construed to relieve the executive branch of any other requirement of section 112b of title 1, United States Code, or any other provision of law.

''(3) DEFINITIONS.—

''(A) The term 'text', with respect to a non-binding instrument, includes—

''(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the non-binding instrument; and

''(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the non-binding instrument.

''(B) The term 'contemporaneously and in conjunction with'—

''(i) shall be construed liberally; and

''(ii) may not be interpreted to require any action to have occurred simultaneously or on the same day.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

''(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as circumventing the applicable requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(i) TERMINATION.—The authority provided by this section shall terminate on December 31, 2029.''

PROGRAM AND PROCESSES RELATING TO FOREIGN ACQUISITION

Pub. L. 118–31, div. A, title VIII, § 873, Dec. 22, 2023, 137 Stat. 350, provided that:

''(a) PILOT PROGRAM FOR COMBATANT COMMAND USE OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT.—Each commander of a geographic combatant command may use amounts from the Defense Acquisition Workforce Development Account established under section 1705 of title 10, United States Code, to hire not more than two members of the acquisition workforce (as defined in section 101 of such title) or contracting officers to advise the combatant command on the processes for foreign military sales authorized under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) and the Department of Defense security cooperation processes under chapter 16 of title 10, United States Code, for the purpose of facilitating the effective implementation of such processes.

''(b) INDUSTRY DAY.—

''(1) IN GENERAL.—Not later than March 1, 2024, and not less frequently than annually thereafter, the Secretary of Defense shall conduct an event to be known as the 'industry day'—

''(A) to raise awareness and understanding among officials of foreign governments, covered embassy personnel, and representatives of the defense industrial base with respect to the role of the Department of Defense in implementing the foreign military sales process and the Department of Defense security cooperation process; and

''(B) to raise awareness—

''(i) within the private sector of the United States with respect to—

''(I) foreign demand for United States weapon systems; and

''(II) potential foreign industry partnering opportunities; and

''(ii) among officials of foreign governments and covered embassy personnel with respect to potential United States materiel solutions for capability needs.

''(2) FORMAT.—In conducting each industry day under paragraph (1), the Secretary of Defense, to the extent practicable, shall seek to maximize participation by representatives of the defense industrial base and government officials while minimizing cost, by—

''(A) ensuring that information provided at the industry day is unclassified;

''(B) making the industry day publicly accessible through teleconference or other virtual means; and

''(C) posting any supporting materials on a publicly accessible internet website.

''(3) COVERED EMBASSY PERSONNEL.—In this subsection, the term 'covered embassy personnel' means personnel at United States diplomatic and consular posts and personnel of foreign missions located in the United States.

''(c) SENIOR-LEVEL INDUSTRY ADVISORY GROUP.—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense, in coordination with representatives of the defense industrial base, shall establish or designate senior-level individuals working in the defense industrial base to serve on an advisory group for the purpose of focusing on the role of the Department of Defense in the foreign military sales process and the Department of Defense security cooperation process. Such advisory group shall terminate on the date specified in subsection (f).

''(d) DEPARTMENT OF DEFENSE POINTS OF CONTACT FOR FOREIGN MILITARY SALES.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Secretary of each military department shall each designate an individual to serve as a single point of contact—

''(A) to coordinate information and outreach on Department of Defense implementation of the foreign military sales process; and

''(B) to respond to inquiries from representatives of the defense industrial base and partner countries.

''(2) POINTS OF CONTACT.—The Under Secretary of Defense for Acquisition and Sustainment and the Secretary of each military department shall each ensure that the contact information for each individual designated under paragraph (1) is publicized at each industry day conducted under subsection (b) and disseminated among the members of the advisory group established under subsection (c).

''(3) TERMINATION.—The responsibilities of each individual designated under paragraph (1) shall terminate on the date specified in subsection (f).

''(e) REGIONAL THEATER NEEDS FOR EXPORTABILITY.—Not later than July 1, 2024, and annually thereafter until the date specified in (f) [sic; probably should be ''subsection (f)''], the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the commander of each geographic combatant command, the Director of Strategy, Plans, and Policy on the Joint Staff, each Secretary of a military department, and the Secretary of State, shall provide to the Secretary of Defense a list of systems relating to research and development, procurement, or sustainment that would benefit from investment for exportability features in support of the security cooperation objectives of the regional theaters.

''(f) TERMINATION.—The requirements of and the authority under this section shall cease to have effect on December 31, 2028.''

TECHNOLOGY RELEASE AND FOREIGN DISCLOSURE REFORM INITIATIVE

Pub. L. 118–31, div. A, title IX, § 918, Dec. 22, 2023, 137 Stat. 370, provided that:

''(a) INITIATIVE REQUIRED.—

''(1) IN GENERAL.—The Secretary of Defense shall carry out an initiative to reform and improve the policies, processes, and procedures applicable to technology release and foreign disclosure decisions by the Department of Defense.

''(2) OBJECTIVES.—The objectives of such initiative shall be—

''(A) to develop recommendations for the continuous improvement of such policies, processes, and procedures within the Department and across other departments and agencies of the Federal Government involved in technology release and foreign disclosure decisions;

''(B) to increase efficiency and reduce timelines for the processing of such decisions;

''(C) to standardize, to the extent practicable, processes and information sharing systems applicable to such decisions; and

''(D) to provide for the continuous exchange of timely and relevant information among—

''(i) the principal organizations involved in technology release and foreign disclosure decisions;

''(ii) the broader acquisition and program executive officer communities; and

''(iii) interagency partners of the Department.

''(3) METHOD OF IMPLEMENTATION.—For purposes of the initiative required under paragraph (1), the Secretary of Defense may—

''(A) establish a new initiative;

''(B) modify an existing initiative of the Department of Defense; or

''(C) carry out the initiative through a combination of the approaches described in subparagraphs (A) and (B).

''(b) METRICS.—

''(1) IN GENERAL.—In conjunction with the initiative required under subsection (a), the Under Secretary of Defense for Policy shall develop metrics for the management of the technology release and foreign disclosure process to provide objective and subjective measures of performance and improve senior leader decision-making in the Department of Defense.

''(2) ELEMENTS.—The metrics developed under paragraph (1) shall include—

''(A) methods for tracking individual technology release and foreign disclosure decisions made by the Defense Technology Security Administration;

''(B) objectives and deadlines related to the completion of such decisions; and

''(C) a method of prioritizing among technology release and foreign disclosure requests that takes into account—

''(i) the importance of the request to the national security of the United States; and

''(ii) the risks associated with the release or disclosure.

''(3) BRIEFING REQUIRED.—Not later than June 1, 2024, the Under Secretary of Defense for Policy shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the metrics developed under paragraph (1).

''(c) DESIGNATION OF POINTS OF CONTACT.—Not later than 90 days after the date of the enactment of this Act [Dec. 22, 2023]—

''(1) the Under Secretary of Defense for Policy shall establish or designate—

''(A) one position within the Office of the Under Secretary to lead the development and oversee the implementation of technology release and foreign disclosure policies for the Department of Defense; and

''(B) one position within the Office to coordinate information and outreach to relevant stakeholders on relevant Department of Defense technology release and foreign disclosure policies and to respond to inquiries from representatives of the commercial defense industry and partner countries; and

''(2) each Secretary of a military department shall establish or designate—

''(A) one position within the department under the jurisdiction of such Secretary to lead the development and oversee the implementation of technology release and foreign disclosure policies for that department; and

''(B) one position within such department to coordinate information and outreach to relevant stakeholders on relevant Department of Defense technology release and foreign disclosure policies and to respond to inquiries from representatives of the commercial defense industry and partner countries.

''(d) REPORT REQUIRED.—

''(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

''(A) An assessment of the staffing levels of the organizations specified in paragraph (2).

''(B) An assessment of the feasibility and advisability of consolidating the functions and organizations of the Department of Defense involved in technology release and foreign disclosure decisions, including the organizations specified in paragraph (2).

''(C) A review of any statutes and regulations applicable to technology release and foreign disclosure, together with recommendations for any changes to such statutes and regulations.

''(D) A survey and description of the data and methodology used to assess operational risk, technology risk, and the effects of technology release and foreign disclosure decisions on the defense industrial base.

''(E) An assessment of the benefits of developing and implementing anticipatory policies for technology release and foreign disclosure that include standardized capability thresholds for countries and geopolitical regions, especially for emerging capabilities for partners and allies of the United States.

''(F) An assessment of the extent to which the lessons learned from technology release and foreign disclosure decisions made in support of the Ukraine conflict have been applied to broader processes.

''(2) ORGANIZATIONS SPECIFIED.—The organizations specified in this paragraph are—

''(A) the Defense Technology Security Administration;

''(B) the Low Observable/Counter Low Observable Tri-Service Committee;

''(C) the Executive Agent for Anti-Tamper;

''(D) the Communications Security Review and Advisory Board; and

''(E) the organizations responsible for technology release and foreign disclosure in each of the military departments.''

SECURITY COOPERATION PROGRAMS WITH FOREIGN PARTNERS TO ADVANCE WOMEN, PEACE, AND SECURITY

Pub. L. 117–263, div. A, title XII, §1208, Dec. 23, 2022, 136 Stat. 2831, as amended by Pub. L. 118–159, div. A, title XII, §1206(a), Dec. 23, 2024, 138 Stat. 2095, provided that:

''(a) IN GENERAL.—During fiscal years 2023 through 2027, the Secretary of Defense, in coordination with the Secretary of State, may conduct or support security cooperation programs and activities involving the national military forces or national-level security forces of a foreign country, or other covered personnel, to advise, train, and educate such forces or personnel with respect to—

''(1) the recruitment, employment, development, retention, promotion, and meaningful participation in decisionmaking of women;

''(2) sexual harassment, sexual assault, domestic abuse, and other forms of violence that disproportionately impact women;

''(3) the requirements of women, including providing appropriate equipment and facilities; and

''(4) the implementation of activities described in this subsection, including the integration of such activities into security-sector policy, planning, exercises, and training, as appropriate.

''(b) ANNUAL REPORT.—Not later than 90 days after the end of each of fiscal years 2023 through 2027, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report detailing the assistance provided under this section and specifying the recipients of such assistance.

''(c) OTHER COVERED PERSONNEL DEFINED.—In this section, the term 'other covered personnel' means personnel of the ministry of defense or other governmental entity carrying out similar functions of a foreign country.''

SECURITY COOPERATION STRATEGY FOR CERTAIN COMBATANT COMMANDS

Pub. L. 117–81, div. A, title XII, § 1206, Dec. 27, 2021, 135 Stat. 1960, provided that:

''(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall develop and implement a security cooperation strategy for each covered combatant command, which shall apply to the security cooperation programs and activities of the Department of Defense (as defined in section 301 of title 10, United States Code).

''(b) ELEMENTS.—The strategy for each covered combatant command required by subsection (a) shall include the following:

''(1) A discussion of how the strategy will—

''(A) support and advance United States national security interests in strategic competition with near-peer rivals;

''(B) prioritize and build key capabilities of allied and partner security forces so as to enhance bilateral and multilateral interoperability and responsiveness;

''(C) prioritize and build the capabilities of foreign partner security forces to secure their own territory, including through operations against violent extremist groups;

''(D) promote and build institutional capabilities for observance of, and respect for—

''(i) the law of armed conflict;

''(ii) human rights and fundamental freedoms;

''(iii) the rule of law; and

''(iv) civilian control of the military; and

''(E) support the programs and activities of law enforcement and civilian agencies, as appropriate, to counter the threat of and reduce risks from illicit drug trafficking and other forms of transnational organized crime.

''(2) A statement of the security cooperation strategic objectives for—

''(A) the covered combatant command; and

''(B) the covered combatant command in conjunction with other covered combatant commands.

''(3) A description of the primary security cooperation lines of effort for achieving such strategic objectives, including prioritization of foreign partners within the covered combatant command.

''(4) A description of the Department of Defense authorities to be used for each such line of effort and the manner in which such authorities will contribute to achieving such strategic objectives.

''(5) A description of the institutional capacity-building programs and activities within the covered combatant command and an assessment of the manner in which such programs and activities contribute to achieving such strategic objectives.

''(6) A description of Department of Defense educational programs and institutions, and international institutions, relevant to the combatant command and an assessment of the manner in which such programs and institutions contribute to achieving such strategic objectives.

''(7) A discussion of the manner in which the development, planning, and implementation of programs or activities under Department of Defense security cooperation authorities are coordinated and deconflicted with security assistance and other assistance authorities of the Department of State and other civilian agencies.

''(c) REPORTS.—

''(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall submit to the appropriate committees of Congress a report on the security cooperation strategy for each covered combatant command developed under subsection (a).

''(2) SUBSEQUENT REPORTS.—Beginning in fiscal year 2023, and annually thereafter through fiscal year 2027, concurrently with the submittal of the report required by section 386(a) of title 10, United States Code, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the security cooperation strategy for each covered combatant command developed under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

''(2) COVERED COMBATANT COMMAND.—The term 'covered combatant command' means—

''(A) the United States European Command;

''(B) the United States Indo-Pacific Command;

''(C) the United States Central Command;

''(D) the United States Africa Command;

''(E) the United States Southern Command; and

''(F) the United States Northern Command.''

SECRETARY OF DEFENSE STRATEGIC COMPETITION INITIATIVE

Pub. L. 117–81, div. A, title XIII, § 1332, Dec. 27, 2021, 135 Stat. 2007, provided that:

''(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide funds for one or more Department of Defense activities or programs described in subsection (b) that advance United States national security objectives for strategic competition by supporting Department of Defense efforts to compete below the threshold of armed conflict and by supporting other Federal departments and agencies in advancing United States strategic interests.

''(b) AUTHORIZED ACTIVITIES AND PROGRAMS.—Activities and programs for which funds may be provided under subsection (a) are the following:

''(1) The provision of funds to pay for personnel expenses of foreign defense or security personnel for bilateral or regional security cooperation programs and joint exercises, in accordance with section 321 of title 10, United States Code.

''(2) Activities to build the institutional capacity of foreign national security forces, including efforts to counter corruption, in accordance with section 332 of title 10, United States Code.

''(3) Activities to build the capabilities of the United States joint force and the security forces of United States allies and partners relating to irregular warfare.

''(4) Activities to expose and disprove foreign malign influence and disinformation, and to expose and deter coercion and subversion.

''(c) FUNDING.—Amounts made available for activities carried out pursuant to subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide.

''(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Secretary of Defense during any fiscal year pursuant to subsection (a) for an activity or program described in subsection (b) shall be in addition to amounts otherwise available for that activity or program for that fiscal year.

''(e) USE OF FUNDS.—

''(1) LIMITATIONS.—Of funds made available under this section for any fiscal year—

''(A) not more than $20,000,000 in each fiscal year is authorized to be obligated and expended under this section; and

''(B) not more than $3,000,000 may be used to pay for personnel expenses under subsection (b)(1).

''(2) PROHIBITION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.

''(f) ANNUAL REPORT.—Not less frequently than annually, the Secretary of Defense shall submit to the congressional defense committees [Committee on Armed Services and Committee on Appropriations of the Senate and House of Representatives] and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the use of the authority under subsection (a).

''(g) PLAN FOR STRATEGIC COMPETITION INITIATIVE FOR U.S. SOUTHERN COMMAND AND U.S. AFRICA COMMAND.—

''(1) IN GENERAL.—The Secretary of Defense shall develop and submit to the congressional defense committees 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 though 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 interagency programmatic and strategic evaluations.

''(C) An examination of the extent to which the security sector assistance of the United States Government 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

Sec.
311. Exchange of defense personnel between United States and friendly foreign countries: authority.
312. Payment of personnel expenses necessary for theater security cooperation.
313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.

§ 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) RECIPROCITY 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

KEY PARTNERS FOR MIDDLE EAST REGIONAL INTEGRATION MILITARY SUBJECT MATTER EXPERT EXCHANGE PROGRAM

Pub. L. 118–159, div. A, title XII, §1221, Dec. 23, 2024, 138 Stat. 2101, provided that:

''(a) IN GENERAL.—The Secretary of Defense, using existing authorities, including section 311 of title 10, United States Code, as applicable, and in consultation with the Secretary of State and the head of any other Federal agency the Secretary of Defense determines appropriate, shall design and implement a foreign military officer subject matter expert exchange program to be known as the 'Middle East Regional Integration Military Subject Matter Expert Exchange Program' (referred to in this section as the 'exchange program').

''(b) PURPOSE.—The purpose of the exchange program shall be to facilitate interaction, cultural exchange, and mutual learning of members of participating militaries in support of Middle East regional integration in order to deepen and expand such integration.

''(c) MEMBERSHIP.—

''(1) COMPOSITION.—The exchange program shall be composed of members of the armed forces of participating militaries in support of Middle East regional integration and members of the Armed Forces of the United States.

''(2) SUBJECT MATTER.—

''(A) IN GENERAL.—The Secretary of Defense shall select exchange program participants with a wide range of experiences collectively covering the tactical, operational, and strategic levels.

''(B) PARTICIPANT PAY GRADE LEVELS.—The Secretary of Defense shall include in the exchange program participants at each of the following military pay grades, or equivalent foreign military pay grades:

''(i) E–7 through E–9.

''(ii) CW–3 through CW–5.

''(iii) O–3 through O–9.

''(iv) Such other pay grade levels at the discretion of the Secretary of Defense.

''(C) EXPERTISE.—Each participant in the exchange program shall have expertise in one or more of the following subject matter areas:

''(i) Strategic doctrine.

''(ii) Defense planning.

''(iii) Civilian and military relations.

''(iv) Military law.

''(v) Public affairs.

''(vi) Civil affairs.

''(vii) Military budgeting and acquisitions.

''(viii) Integrated air and missile defense.

''(ix) Integrated maritime domain awareness and interdiction.

''(x) Cyber resilience and defense.

''(xi) Counterterrorism.

''(xii) Defense information sharing.

''(xiii) Any other subject matter area that the Secretary of Defense determines to be appropriate.

''(d) EXCHANGE PROGRAM CONTENT.—The exchange program—

''(1) shall include learning modalities and methods, as determined by the Exchange Program Coordinator;

''(2) may include separate agendas and experiences for participants in order to—

''(A) facilitate interaction on particular topics;

''(B) cater to participant backgrounds or rank levels; or

''(C) achieve other pedagogical ends as determined by the Exchange Program Coordinator; and

''(3) may include discussion, comparison, and information regarding the development of—

''(A) defense doctrine;

''(B) exercise development;

''(C) budget planning;

''(D) military law and law of armed conflict;

''(E) military cooperation with civilian agencies;

''(F) standard operating procedures;

''(G) operational plans and the operational art;

''(H) gaps and opportunities for improvement in existing procedures and plans;

''(I) existing technical challenges;

''(J) emerging technical challenges;

''(K) the current and future threat environment;

''(L) trust and capacity for multilateral sharing of information;

''(M) additional mechanisms and ideas for integrated cooperation;

''(N) ways to promote the meaningful participation of women in matters of peace and security; and

''(O) other content, as appropriate, developed to advance integration and tactical, operational, and strategic proficiency.

''(e) MEETINGS.—Participants in the exchange program shall meet in person not less frequently than quarterly.

''(f) EXCHANGE PROGRAM COORDINATOR.—

''(1) IN GENERAL.—The Secretary of Defense shall designate an Exchange Program Coordinator, who shall be assigned to a Department of Defense School, to oversee the exchange program.

''(2) DUTIES.—The Exchange Program Coordinator shall—

''(A) design the exchange program;

''(B) ensure that the exchange program complies with the requirements of this section;

''(C) provide to the Secretary of Defense reports on developments, insights, and progress of the exchange program; and

''(D) notify the Secretary of Defense of any failure of the exchange program to comply with the in-person requirements of subsection (e).

''(3) NOTIFICATION TO CONGRESS.—Not later than 15 days after receiving a notification under paragraph (2)(D), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing—

''(A) the reasons an in-person meeting did not occur during such quarter; and

''(B) any measures taken to ensure that an in-person meeting occurs during the following quarter.

''(g) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Dec. 23, 2024], and annually thereafter for 5 years, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report that includes—

''(A) a summary of the activities of the exchange program during the prior year, including—

''(i) the countries participating;

''(ii) the subject matter covered;

''(iii) developments, insights, and progress achieved through the program; and

''(iv) any new topics added to the exchange as well as a justification for adding the new topic;

''(B) an assessment of the effectiveness of the exchange program; and

''(C) recommendations on further improvements to the exchange program.

''(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

''(h) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF DEFENSE SCHOOL.—The term 'Department of Defense school' means any institution listed in section 1595(c) or section 2162(d) of title 10, United States Code.

''(2) PARTICIPATING MILITARIES IN SUPPORT OF MIDDLE EAST REGIONAL INTEGRATION.—The term 'participating militaries in support of Middle East regional integration' means military allies and partner forces of the United States working to advance regional integration in the Middle East.''

INDO-PACIFIC EXTENDED DETERRENCE EDUCATION PILOT PROGRAM

Pub. L. 118–159, div. A, title XIII, §1314, Dec. 23, 2024, 138 Stat. 2113, provided that:

''(a) ESTABLISHMENT.—The Secretary of Defense, using the authorities provided in chapter 16 of title 10,

United States Code, and other applicable statutory authorities available to the Secretary, may establish a pilot program, including an international defense personnel exchange program, to support the education of covered personnel in—

''(1) matters relating to nuclear deterrence, nuclear strategy, and nuclear defense strategy; and

''(2) any other matter the Secretary considers important to strengthening extended nuclear deterrence of—

''(A) threats to United States allies posed by major-power competitors; and

''(B) any other persistent nuclear threat identified in the 2022 National Defense Strategy published pursuant to section 113(g) of title 10, United States Code.

''(b) INSTITUTIONAL PARTNERSHIP.—The Secretary may enter into an agreement with an existing university-affiliated research center or an institution of higher education with recognized subject matter expertise in nuclear deterrence and related matters, and demonstrated relevant experience, for the purpose of developing a curriculum to reinforce extended deterrence through education of covered personnel in deterrence, nuclear strategy, conventional-nuclear integration, command and control, and related matters.

''(c) TERMINATION DATE.—The authority of the Secretary to carry out the pilot program under this section shall terminate on December 31, 2027.

''(d) COVERED PERSONNEL DEFINED.—In this section, the term 'covered personnel' means—

''(1) an employee of the Department of Foreign Affairs and Trade, the Department of Defence, or equivalent component of the Government of Australia;

''(2) an employee of the Ministry of Foreign Affairs, the Ministry of Defense, or equivalent component of the Government of Japan;

''(3) an employee of the Ministry of Foreign Affairs, the Ministry of National Defense, or equivalent component of the Government of the Republic of Korea;

''(4) a member of the military forces of Australia, Japan, or the Republic of Korea; and

''(5) any other official of the Government of Australia, the Government of Japan, or the Government of the Republic of Korea the Secretary considers important to the extended deterrence relationship with the United States.''

DEFENSE OPERATIONAL RESILIENCE INTERNATIONAL COOPERATION PILOT PROGRAM

Pub. L. 117–263, div. A, title XII, §1212, Dec. 23, 2022, 136 Stat. 2834, as amended by Pub. L. 118–31, div. A, title XII, §1226, Dec. 22, 2023, 137 Stat. 455; Pub. L. 118–159, div. A, title XII, §1207, Dec. 23, 2024, 138 Stat. 2095, provided that:

''(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of State and in coordination with the commanders of the geographic combatant commands, may establish a pilot program, to be known as the 'Defense Operational Resilience International Cooperation Pilot Program' (in this section referred to as the 'pilot program') to support engagement with national security forces of partner countries on defense-related environmental and operational energy issues in support of the theater campaign plans of the geographic combatant commands.

''(b) DURATION.—The Secretary of Defense may carry out the pilot program during the period beginning on the date of the enactment of this Act [Dec. 23, 2022] and ending on December 31, 2027.

''(c) LIMITATIONS.—

''(1) PURPOSES.—The pilot program shall be limited to the following purposes:

''(A) To build relationships with the national security forces of partner countries in support of the efforts of the Department of Defense to engage in long-term strategic competition.

''(B) To sustain the mission capability and forward posture of the Armed Forces of the United States.

''(C) To enhance the capability, capacity, and resilience of the national security forces of partner countries.

''(2) PROHIBITED ASSISTANCE.—The Secretary may not use the pilot program to provide assistance that is in violation of section 362 of title 10, United States Code, or otherwise prohibited by law.

''(3) SECURITY COOPERATION.—The Secretary shall plan and prioritize assistance, training, and exercises with partner countries pursuant to the pilot program in a manner that is consistent with applicable guidance relating to security cooperation program and activities of the Department of Defense.

''(4) SUSTAINMENT AND NON-LETHAL ASSISTANCE.—A program under subsection (a) may include the provision of sustainment and non-lethal assistance, including training, defense services, and supplies (including consumables).

''(d) FUNDING.—Of amounts authorized to be appropriated by this Act [see Tables for classification] for each of fiscal years 2023 through 2027 and available for operation and maintenance, the Secretary may make available $15,000,000 to support the pilot program.

''(e) PRIORITIZATION.—In providing security cooperation for the purposes described in section (c)(1), the Secretary shall prioritize efforts based on—

''(1) the priorities of the commanders of the geographic combatant commands;

''(2) the operational relevance of the effort;

''(3) the need of the foreign partner; and

''(4) programs in less developed countries.

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—With respect to each year the Secretary carries out the pilot program, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on obligations and expenditures made to carry out the pilot program during the fiscal year that precedes the year during which each such report is submitted.

''(2) DEADLINE.—The Secretary shall submit each such report not later than March 1 of each year during which the Secretary has authority to carry out the pilot program.

''(3) ELEMENTS.—Each such report shall include the following:

''(A) An accounting of each obligation and expenditure made to carry out the pilot program, disaggregated, where applicable, by partner country and national security forces of a partner country.

''(B) An explanation of the manner in which each such obligation or expenditure—

''(i) supports the national defense of the United States; and

''(ii) is in accordance with limitations described in subsection (c).

''(C) Any other matter the Secretary determines to be relevant.

''(g) TEMPORARY CESSATION OF AUTHORIZATION.—No funds authorized to be appropriated or otherwise made available for any of fiscal years 2023 through 2027 for the Department of Defense may be made available for the 'Defense Environmental International Cooperation Program'. During the period specified in subsection (b), all activities and functions of the 'Defense Environmental International Cooperation Program' may only be carried out under the pilot program.

''(h) DEFINITIONS.—In this section the terms 'defense services', 'national security forces', and 'training' have the meaning given those terms in section 301 of title 10, United States Code.''

PILOT PROGRAM TO DEVELOP YOUNG CIVILIAN DEFENSE LEADERS IN THE INDO-PACIFIC REGION

Pub. L. 117–263, div. A, title XII, §1261, Dec. 23, 2022, 136 Stat. 2856, as amended by Pub. L. 118–31, div. A, title XIII, §1303, Dec. 22, 2023, 137 Stat. 489, provided that:

''(a) IN GENERAL.—The Secretary of Defense may establish, using existing authorities of the Department of

Defense, a pilot program to enhance engagement of the Department with young civilian defense and security leaders in the Indo-Pacific region.

''(b) PURPOSES.—The activities of the pilot program under subsection (a) shall include training of, and engagement with, young civilian leaders from foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission in the Indo-Pacific region for purposes of—

''(1) enhancing bilateral and multilateral cooperation between—

''(A) civilian leaders in the Department; and

''(B) civilian leaders in foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission; and

''(2) building the capacity of young civilian leaders in foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission to promote civilian control of the military, respect for human rights, and adherence to the law of armed conflict.

''(c) PRIORITY.—In carrying out the pilot program under subsection (a), the Secretary of Defense shall prioritize engagement with civilian leaders in foreign partner ministries of defense and other appropriate ministries with a defense-related national security mission who are 40 years of age or younger.

''(d) BRIEFINGS.—

''(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2023, the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the design of the pilot program under subsection (a).

''(2) PROGRESS BRIEFING.—Not later than December 31, 2023, and annually thereafter until the date on which the pilot program terminates under subsection (e), the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the pilot program that includes—

''(A) a description of the activities conducted and the results of such activities;

''(B) an identification of existing authorities used to carry out the pilot program;

''(C) any recommendations related to new authorities or modifications to existing authorities necessary to more effectively achieve the objectives of the pilot program; and

''(D) any other matter the Secretary of Defense considers relevant.

''(e) TERMINATION.—The pilot program under subsection (a) shall terminate on December 31, 2026.

''(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.''

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 nec-

essary 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.—

(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed $150,000.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

(g) ADMINISTRATIVE SERVICES AND SUPPORT DEFINED.—In this section, the term ''administrative services and support'' includes base or installation support services, office space, utilities, copying services, fire and police protection, training programs conducted to familiarize, orient, or certify liaison personnel regarding unique aspects of the assignments of the liaison personnel, and computer support.

(Added Pub. L. 114–328, div. A, title XII, § 1243(a), Dec. 23, 2016, 130 Stat. 2514; amended Pub. L. 116–283, div. A, title IX, § 924(b)(11), Jan. 1, 2021, 134 Stat. 3823.)

Editorial Notes

PRIOR PROVISIONS

A prior section 312 was renumbered section 247 of this title.

AMENDMENTS

2021—Subsec. (b)(3). Pub. L. 116–283 inserted ''the Chief of Space Operations,'' after ''the Commandant of the Marine Corps,'' in introductory provisions.

§ 313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance

(a) GENERAL AUTHORITY.—The Secretary of Defense may present awards and mementos purchased with funds appropriated for operation and maintenance of the armed forces to recognize superior noncombat achievements or performance by members of friendly foreign forces and other foreign nationals that significantly enhance or support the National Security Strategy of the United States.

(b) ACTIVITIES THAT MAY BE RECOGNIZED.—Activities that may be recognized under subsection (a) include superior achievement or performance that—

(1) plays a crucial role in shaping the international security environment in ways that protect and promote United States interests;

(2) supports or enhances United States overseas presence and peacetime engagement activities, including defense cooperation initiatives, security assistance training and programs, and training and exercises with the armed forces;

(3) helps to deter aggression and coercion, build coalitions, and promote regional stability; or

(4) serves as a role model for appropriate conduct by military forces in emerging democracies.

(c) LIMITATION.—Expenditures for the purchase or production of mementos for award under this section may not exceed the minimal value in effect under section 7342(a)(5) of title 5.

(Added Pub. L. 108–136, div. A, title XII, §1222(a), Nov. 24, 2003, 117 Stat. 1652, §1051b; renumbered §313, Pub. L. 114–328, div. A, title XII, §1241(b), Dec. 23, 2016, 130 Stat. 2500.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114–328 renumbered section 1051b of this title as this section.

SUBCHAPTER III—TRAINING WITH FOREIGN FORCES

Sec.
321. Training with friendly foreign countries: payment of training and exercise expenses.
322. Special operations forces: training with friendly foreign forces.

§ 321. Training with friendly foreign countries: payment of training and exercise expenses

(a) TRAINING AUTHORIZED.—

(1) TRAINING WITH FOREIGN FORCES GENERALLY.—The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other security forces of a friendly foreign country if the Secretary determines that it is in the national security interest of the United States to do so.

(2) LIMITATION ON TRAINING OF GENERAL PURPOSE FORCES.—The general purpose forces of the United States armed forces may train only with the military forces of a friendly foreign country.

(3) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which the unit of the United States armed forces participating in such training is responsible.

(4) ELEMENTS OF TRAINING.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within the foreign country concerned.

(b) AUTHORITY TO PAY TRAINING AND EXERCISE EXPENSES.—Under regulations prescribed pursuant to subsection (e), the Secretary of a military department or the commander of a combatant command may pay, or authorize payment for, any of the following expenses:

(1) Expenses of training forces assigned or allocated to that command in conjunction with training, and training with, the military forces or other security forces of a friendly foreign country under subsection (a).

(2) Expenses of deploying such forces for that training.

(3) The incremental expenses of a friendly foreign country as the direct result of participating in such training, as specified in the regulations.

(4) The incremental expenses of a friendly foreign country as the direct result of participating in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

(5) Small-scale construction that is directly related to the effective accomplishment of the training described in paragraph (1) or an exercise described in paragraph (4).

(c) PURPOSE OF TRAINING AND EXERCISES.—

(1) IN GENERAL.—The primary purpose of the training and exercises for which payment may be made under subsection (b) shall be to train United States forces.

(2) SELECTION OF FOREIGN PARTNERS.—Training and exercises with friendly foreign countries under subsection (a) should be planned and prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

(e) QUARTERLY NOTICE ON PLANNED TRAINING.—Not later than the end of the first calendar quarter beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, and every calendar quarter thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the schedule of planned training engagement pursuant to subsection (a) during the calendar quarter first following the calendar quarter in which such notice is submitted.

(f) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

(2) ELEMENTS.—The regulations required under this section shall provide the following:

(A) A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.

(B) Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

(C) Procedures to limit the payment of incremental expenses to friendly foreign countries only to developing countries, except in the case of exceptional circumstances as specified in the regulations.

(Added Pub. L. 99–661, div. A, title XIII, §1321(a)(1), Nov. 14, 1986, 100 Stat. 3988, §2010; amended Pub. L. 105–85, div. A, title X, §1073(a)(35), Nov. 18, 1997, 111 Stat. 1902; Pub. L.

110–417, [div. A], title XII, § 1203(a), Oct. 14, 2008, 122 Stat. 4622; Pub. L. 112–81, div. A, title X, § 1061(12), Dec. 31, 2011, 125 Stat. 1583; renumbered § 321 and amended Pub. L. 114–328, div. A, title XII, § 1244(a), Dec. 23, 2016, 130 Stat. 2516; Pub. L. 115–232, div. A, title XII, § 1204(c)(1)(B), Aug. 13, 2018, 132 Stat. 2017.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, referred to in subsec. (e), is the date of enactment of Pub. L. 114–328, which was approved Dec. 23, 2016.

AMENDMENTS

2018—Subsec. (e). Pub. L. 115–232 substituted ''the first calendar quarter'' for ''the first calender quarter'' and ''every calendar quarter'' for ''every calender quarter''.

2016—Pub. L. 114–328 renumbered section 2010 of this title as this section and amended it generally. Prior to amendment, section related to payment of incremental expenses for participation of developing countries in combined exercises.

2011—Subsecs. (b) to (e). Pub. L. 112–81 redesignated subsecs. (c) to (e) as (b) to (d), respectively, and struck out former subsec. (b) which read as follows: ''The Secretary of Defense shall submit to Congress a report each year, not later than March 1, containing—

''(1) a list of the developing countries for which expenses have been paid by the United States under this section during the preceding year; and

''(2) the amounts expended on behalf of each government.''

2008—Subsecs. (d), (e). Pub. L. 110–417 added subsec. (d) and redesignated former subsec. (d) as (e).

1997—Subsec. (e). Pub. L. 105–85 struck out subsec. (e) which read as follows: ''Not more than $13,400,000 may be obligated or expended for the purposes of this section during fiscal years 1987 through 1991.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–417, [div. A], title XII, § 1203(b), Oct. 14, 2008, 122 Stat. 4622, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to bilateral and multilateral military exercises described in section 2010 [now 321] of title 10, United States Code, as so amended, that begin on or after that date.''

TEMPORARY AUTHORITY TO PROVIDE TRAINING TO MILITARY FORCES OR NATIONAL SECURITY FORCES OF COSTA RICA AND PANAMA

Pub. L. 118–159, div. A, title XII, § 1209, Dec. 23, 2024, 138 Stat. 2097, provided that: ''In conducting training with friendly foreign countries under section 321 of title 10, United States Code, notwithstanding subsection (a)(2) of that section, beginning on the date of the enactment of this Act [Dec. 23, 2024] and ending on December 31, 2030, the general purpose forces of the United States Armed Forces may train with the military forces or national security forces of the following countries:

''(1) Costa Rica.

''(2) Panama.''

PROHIBITION ON PARTICIPATION OF THE PEOPLE'S REPUBLIC OF CHINA IN RIM OF THE PACIFIC (RIMPAC) NAVAL EXERCISES

Pub. L. 115–232, div. A, title XII, § 1259, Aug. 13, 2018, 132 Stat. 2058, as amended by Pub. L. 117–263, div. A, title XII, § 1253, Dec. 23, 2022, 136 Stat. 2850, provided that:

''(a) CONDITIONS FOR FUTURE PARTICIPATION IN RIMPAC.—

''(1) IN GENERAL.—The Secretary of Defense shall not enable or facilitate the participation of the People's Republic of China in any Rim of the Pacific (RIMPAC) naval exercise unless the Secretary certifies to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that China has—

''(A) ceased all land reclamation activities in the South China Sea;

''(B) removed all weapons from its land reclamation sites;

''(C) established a consistent four-year track record of taking actions toward stabilizing the region; and

''(D) ceased committing genocide in China, as articulated in the Department of State's Country Report on Human Rights Practices released on April 12, 2022, and engaged in a credible justice and accountability process for all victims of such genocide.

''(2) FORM.—The certification under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.

''(b) NATIONAL SECURITY WAIVER.—

''(1) IN GENERAL.—The Secretary of Defense may waive the certification requirement under subsection (a) if the Secretary determines the waiver is in the national security interest of the United States and submits to the congressional defense committees a detailed justification for the waiver.

''(2) FORM.—The justification required under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.''

§ 322. Special operations forces: training with friendly foreign forces

(a) AUTHORITY TO PAY TRAINING EXPENSES.—Under regulations prescribed pursuant to subsection (c), the commander of the special operations command established pursuant to section 167 of this title and the commander of any other unified or specified combatant command may pay, or authorize payment for, any of the following expenses:

(1) Expenses of training special operations forces assigned to that command in conjunction with training, and training with, armed forces and other security forces of a friendly foreign country.

(2) Expenses of deploying such special operations forces for that training.

(3) In the case of training in conjunction with a friendly developing country, the incremental expenses incurred by that country as the direct result of such training.

(b) PURPOSE OF TRAINING.—The primary purpose of the training for which payment may be made under subsection (a) shall be to train the special operations forces of the combatant command.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense. The regulations shall establish accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

(d) DEFINITIONS.—In this section:

(1) The term ''special operations forces'' includes civil affairs forces and military information support operations forces.

(2) The term ''incremental expenses'', with respect to a developing country, means the reasonable and proper cost of rations, fuel, training ammunition, transportation, and other goods and services consumed by such country, except that the term does not include pay, allowances, and other normal costs of such country's personnel.

(e) REPORTS.—Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report regarding training during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

(1) All countries in which that training was conducted.

(2) The type of training conducted, including whether such training was related to counter-narcotics or counter-terrorism activities, the duration of that training, the number of members of the armed forces involved, and expenses paid.

(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort.

(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).

(5) A summary of the expenditures under this section resulting from the training for which expenses were paid under this section.

(6) A discussion of the unique military training benefit to United States special operations forces derived from the training activities for which expenses were paid under this section.

(Added Pub. L. 102–190, div. A, title X, §1052(a)(1), Dec. 5, 1991, 105 Stat. 1470, §2011; amended Pub. L. 104–106, div. A, title XV, §1503(a)(18), Feb. 10, 1996, 110 Stat. 512; Pub. L. 105–261, div. A, title X, §1062, Oct. 17, 1998, 112 Stat. 2129; Pub. L. 112–81, div. A, title X, §1086(2), Dec. 31, 2011, 125 Stat. 1603; renumbered §322, Pub. L. 114–328, div. A, title XII, §1244(b), Dec. 23, 2016, 130 Stat. 2518.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114–328 renumbered section 2011 of this title as this section.

2011—Subsec. (d)(1). Pub. L. 112–81 substituted ''military information support operations'' for ''psychological operations''.

1998—Subsec. (c). Pub. L. 105–261, §1062(a), inserted after first sentence ''The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense.''

Subsec. (e)(5), (6). Pub. L. 105–261, §1062(b), added pars. (5) and (6).

1996—Subsec. (a). Pub. L. 104–106 substituted ''TO'' for ''TO'' in heading.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (e) 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.

TRAINING OF GENERAL PURPOSE FORCES OF THE UNITED STATES ARMED FORCES WITH MILITARY AND OTHER SECURITY FORCES OF FRIENDLY FOREIGN COUNTRIES

Pub. L. 113–66, div. A, title XII, §1203, Dec. 26, 2013, 127 Stat. 894, related to the training of general purpose forces of the armed forces of the United States with military and other security forces of friendly foreign countries, prior to repeal by Pub. L. 114–328, div. A, title XII, §1244(c), Dec. 23, 2016, 130 Stat. 2518.

SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

Sec.
331. Friendly foreign countries: authority to provide support for conduct of operations.
332. Friendly foreign countries; international and regional organizations: defense institution capacity building.
333. Foreign security forces: authority to build capacity.
334. Administrative support and payment of certain expenses for covered foreign defense personnel.
335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, div. A, title XII, §1201(b), Dec. 23, 2022, 136 Stat. 2823, added item 335.

2021—Pub. L. 117–81, div. A, title XII, §1201(b), Dec. 27, 2021, 135 Stat. 1958, added item 334.

§ 331. Friendly foreign countries: authority to provide support for conduct of operations

(a) AUTHORITY.—The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

(b) DESIGNATED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

(2) NOTICE TO CONGRESS.—The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

(3) ANNUAL REVIEW FOR CONTINUING DESIGNATION.—The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation for purposes of this section for another year, the Secretary—

(A) may continue the designation of such operation under this subsection for such purposes for another year; and

(B) if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

(c) TYPES OF SUPPORT AUTHORIZED.—The types of support that may be provided under the authority in subsection (a) are the following:

(1) Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

(A) an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

(B) a military or stability operation that benefits the national security interests of the United States.

(2) Logistic support, supplies, and services—

(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.

(4) Provision of specialized training to personnel of friendly foreign countries in connection with such an operation, including training of such personnel before deployment in connection with such operation.

(5) Small-scale construction to support military forces of a friendly foreign country participating in a United States-supported coalition or combined operation when the construction is directly linked to the ability of such forces to participate in such operation effectively and is limited to the geographic area where such operation is taking place. In the case of support provided under this paragraph that results in the provision of small-scale construction above $750,000, the notification pursuant to subsection (b)(2) shall include the location, project title, and cost of each such small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location.

(d) CERTIFICATION REQUIRED.—

(1) OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.—The Secretary of Defense may provide support under subsection (a) to a friendly foreign country with respect to an operation in which the United States is not participating only—

(A) if the Secretary of Defense and the Secretary of State jointly certify to the appropriate committees of Congress that the operation is in the national security interests of the United States; and

(B) after the expiration of the 15-day period beginning on the date of such certification.

(2) ACCOMPANYING REPORT.—Any certification under paragraph (1) shall be accompanied by a report that includes the following:

(A) A description of the operation, including the geographic area of the operation.

(B) A list of participating countries.

(C) A description of the type of support and the duration of support to be provided.

(D) A description of the national security interests of the United States supported by the operation.

(E) A description of each entity with which the applicable friendly foreign country is engaged in hostilities and whether each such entity is covered by an authorization for the use of military force.

(F) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

(e) SECRETARY OF STATE CONCURRENCE.—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.

(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (c) that is otherwise prohibited by any provision of law.

(g) LIMITATIONS ON VALUE.—

(1) The aggregate value of all logistic support, supplies, and services provided under paragraphs (1), (4), and (5) of subsection (c) in any fiscal year may not exceed $450,000,000.

(2) The aggregate value of all logistic support, supplies, and services provided under subsection (c)(2) in any fiscal year may not exceed $5,000,000.

(h) 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(1) of this title.

(Added Pub. L. 109–364, div. A, title XII, § 1201(a), Oct. 17, 2006, 120 Stat. 2410, § 127c; renumbered § 127d, Pub. L. 110–181, div. A, title X, § 1063(a)(1)(A), Jan. 28, 2008, 122 Stat. 321; Pub. L. 111–383, div. A, title X, § 1075(b)(3), title XII, § 1202, Jan. 7, 2011, 124 Stat. 4369, 4385; renumbered § 331 and amended Pub. L. 114–328, div. A, title XII, § 1245(a), Dec. 23, 2016, 130 Stat. 2518; Pub. L. 115–232, div. A, title XII, § 1203(b), Aug. 13, 2018, 132 Stat. 2016; Pub. L. 117–263, div. A, title XII, § 1202(a), Dec. 23, 2022, 136 Stat. 2823.)

Editorial Notes

PRIOR PROVISIONS

A prior section 331 was renumbered section 251 of this title.

AMENDMENTS

2022—Subsec. (d)(2)(E), (F). Pub. L. 117–263 added subpar. (E) and redesignated former subpar. (E) as (F).

2018—Subsec. (c)(5). Pub. L. 115–232 inserted at end ''In the case of support provided under this paragraph that results in the provision of small-scale construction above $750,000, the notification pursuant to subsection (b)(2) shall include the location, project title, and cost of each such small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location.''

2016—Pub. L. 114–328 renumbered section 127d of this title as this section and amended it generally. Prior to amendment, section related to authority to provide logistic support, supplies, and services to allied forces participating in combined operations.

2011—Subsec. (a). Pub. L. 111–383, §1202(a), designated existing provisions as par. (1), inserted ''of the United States'' after ''armed forces'', struck out ''Provision of such support, supplies, and services to the forces of an allied nation may be made only with the concurrence of the Secretary of State.'' at end, and added pars. (2) and (3).

Subsec. (b). Pub. L. 111–383, §1202(b)(1), substituted ''subsection (a)(1)'' for ''subsection (a)'' in par. (1) and in introductory provisions of par. (2).

Subsec. (c)(1). Pub. L. 111–383, §1202(b)(2)(A), substituted ''The'' for ''Except as provided in paragraph (2), the'' and ''subsection (a)(1)'' for ''this section''.

Subsec. (c)(2). Pub. L. 111–383, §1202(b)(2)(B), substituted ''The value of the logistic support, supplies, and services provided under subsection (a)(2) in any fiscal year may not'' for ''In addition to any logistic support, supplies, and services provided under subsection (a) that are covered by paragraph (1), the value of logistic support, supplies, and services provided under this section solely for the purposes of enhancing the interoperability of the logistical support systems of military forces participating in combined operation of the United States in order to facilitate such operations may not, in any fiscal year,''.

Subsec. (d)(1). Pub. L. 111–383, §1075(b)(3), substituted ''Committee on Foreign Affairs'' for ''Committee on International Relations''.

2008—Pub. L. 110–181 renumbered section 127c of this title, relating to allied forces participating in combined operations, as this section.

Statutory Notes and Related Subsidiaries

SUPPORT FOR EXECUTION OF BILATERAL AGREEMENTS CONCERNING ILLICIT TRANSNATIONAL MARITIME ACTIVITY

Pub. L. 118–31, div. A, title XVIII, §1808, Dec. 22, 2023, 137 Stat. 688, as amended by Pub. L. 118–159, div. A, title XII, §1201(b), Dec. 23, 2024, 138 Stat. 2093, provided that:

''(a) IN GENERAL.—The Secretary of Defense, in coordination with the Commandant of the Coast Guard, and in consultation with the Secretary of State, may provide assistance to the Coast Guard for the execution of existing maritime law enforcement agreements between the United States and friendly countries that were established to combat transnational organized illegal maritime activity, including illegal, unreported, and unregulated fishing.

''(b) EFFECT ON MILITARY TRAINING AND READINESS.—The Secretary of Defense shall ensure that the provision of assistance under this section does not negatively affect military training, operations, readiness, or other military requirements.

''(c) FUNDS.—If the Secretary of Defense provides assistance under subsection (a) during any fiscal year, the Secretary shall provide such assistance using amounts available for that fiscal year for the Department of Defense for operation and maintenance.

''(d) ASSISTANCE DEFINED.—In this section, the term 'assistance' means any of the following:

''(1) The use of surface and air assets as bases of operations and information collection platforms.

''(2) Communication infrastructure.

''(3) Information sharing.

''(4) The provision of logistic support, supplies, and services (as such term is defined in section 2350 of title 10, United States Code).''

§ 332. Friendly foreign countries; international and regional organizations: defense institution capacity building

(a) MINISTRY OF DEFENSE ADVISOR AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to assign civilian employees of the Department of Defense and members of the armed forces as advisors to the ministries of defense (or security agencies serving a similar defense function) of foreign countries or regional organizations with security missions in order to—

(1) provide institutional, ministerial-level advice, and other training to personnel of the ministry or regional organization to which assigned in support of stabilization or post-conflict activities; or

(2) assist such ministry or regional organization in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

(b) TRAINING OF PERSONNEL OF FOREIGN MINISTRIES WITH SECURITY MISSIONS.—

(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to provide advisors or trainers to provide training and associated training support services to personnel of foreign ministries of defense (or ministries with security force oversight) or regional organizations with security missions—

(A) for the purpose of—

(i) enhancing civilian oversight of foreign security forces;

(ii) establishing responsible defense governance and internal controls in order to help build effective, transparent, and accountable defense institutions;

(iii) assessing organizational weaknesses and establishing a roadmap for addressing shortfalls; and

(iv) enhancing ministerial, general or joint staff, or service level core management competencies; and

(B) for such other purposes as the Secretary considers appropriate, consistent with the authority in subsection (a).

(2) NOTICE TO CONGRESS.—Not later than February 1 of each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on activities under the program under paragraph (1) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) A list of activities under the program.

(B) A list of any organization described in paragraph (1) to which the Secretary provided advisors or trainers under the program, including the number of such advisors or trainers so provided, the duration of each provision of such an advisor or trainer, a brief description of the activities of each advisor or trainer so provided, and a statement of the cost of each provision of such an advisor or trainer.

(C) A comprehensive justification of any activities conducted pursuant to paragraph (1)(B).

(c) CONGRESSIONAL NOTICE.—Not later than 15 days before assigning a civilian employee of the Department of Defense or a member of the armed forces as an advisor to a regional organization with a security mission under subsection (a), the Secretary shall submit to the appropriate committees of Congress a notification of such assignment. Such a notification shall include each of the following:

(1) A statement of the intent of the Secretary to assign the advisor or trainer to the regional organization.

(2) The name of the regional organization and the location and duration of the assignment.

(3) A description of the assignment, including a description of the training or assistance proposed to be provided to the regional organization, the justification for the assignment, a description of the unique capabilities the advisor or trainer can provide to the regional organization, and a description of how the assignment serves the national security interests of the United States.

(4) Any other information relating to the assignment that the Secretary of Defense considers appropriate.

(Added and amended Pub. L. 114–328, div. A, title XII, §1241(c)(1), (2), Dec. 23, 2016, 130 Stat. 2500; Pub. L. 115–91, div. A, title XII, §1204(a), Dec. 12, 2017, 131 Stat. 1642; Pub. L. 115–232, div. A, title XII, §1202, Aug. 13, 2018, 132 Stat. 2016; Pub. L. 117–263, div. A, title XII, §1202(b), Dec. 23, 2022, 136 Stat. 2823.)

Editorial Notes

CODIFICATION

Text of section, as added by Pub. L. 114–328, is based on text of subsecs. (a), (b), and (d) of section 1081 of Pub. L. 112–81, div. A, title X, Dec. 31, 2011, 125 Stat. 1599, as amended, 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, §1241(c)(3), Dec. 23, 2016, 130 Stat. 2500.

PRIOR PROVISIONS

A prior section 332 was renumbered section 252 of this title.

AMENDMENTS

2022—Subsec. (b)(2). Pub. L. 117–263, in introductory provisions, substituted ''Not later than February 1 of each year'' for ''Each fiscal year'' and struck out ''quarter'' after ''fiscal year'' wherever appearing.

2018—Subsec. (b)(1). Pub. L. 115–232, §1202(1), substituted ''provide advisors or trainers'' for ''assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers''.

Subsec. (b)(2)(B). Pub. L. 115–232, §1202(2)(C), which directed substitution of ''each provision of such an advisor or trainer'' for ''each assignment'', was executed by making the substitution in both places it appeared, to reflect the probable intent of Congress.

Pub. L. 115–232, §1202(2)(A), (B), substituted ''Secretary provided'' for ''Secretary assigned'', ''number of such advisors or trainers so provided'' for ''number of such advisors or trainers so assigned'', and ''each advisor or trainer so provided'' for ''each assigned advisor or trainer''.

2017—Subsec. (a). Pub. L. 115–91, §1204(a)(1), inserted ''and members of the armed forces'' after ''civilian employees of the Department of Defense'' in introductory provisions.

Subsec. (b)(1). Pub. L. 115–91, §1204(a)(2)(A), inserted ''to assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers'' after ''carry out a program'' in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 115–91, §1204(a)(2)(B), substituted ''advisors or trainers'' for ''employees'' in two places and ''the activities of each assigned advisor or trainer'' for ''each assigned employee's activities''.

Subsec. (c). Pub. L. 115–91, §1204(a)(3)(A), inserted ''or a member of the armed forces'' after ''a civilian employee of the Department of Defense'' in introductory provisions.

Subsec. (c)(1). Pub. L. 115–91, §1204(a)(3)(B), substituted ''advisor or trainer'' for ''employee as an advisor''.

Subsec. (c)(3). Pub. L. 115–91, §1204(a)(3)(C), substituted ''advisor or trainer'' for ''employee''.

2016—Subsecs. (c), (d). Pub. L. 114–328, §1241(c)(2), redesignated subsec. (d) as (c).

Statutory Notes and Related Subsidiaries

LEGAL INSTITUTIONAL CAPACITY BUILDING INITIATIVE FOR FOREIGN DEFENSE INSTITUTIONS

Pub. L. 116–92, div. A, title XII, §1210, Dec. 20, 2019, 133 Stat. 1625, as amended by Pub. L. 118–31, div. A, title XII, §1208, Dec. 22, 2023, 137 Stat. 449, provided that:

''(a) INITIATIVE.—The Secretary of Defense may carry out, in accordance with section 332 of title 10, United States Code, an initiative of legal institutional capacity building in collaboration with the appropriate ministry of defense (or security agency serving a similar defense function) legal institutions that support the efforts of one or more foreign countries to establish or improve legal institutional capacity.

''(b) PURPOSE.—The purpose of the initiative under subsection (a) is to enhance, through advisory services, training, or related training support services, as appropriate, the legal institutional capacity of the applicable foreign country to do the following:

''(1) Integrate legal matters into the authority, doctrine, and policies of the ministry of defense (or security agency serving a similar defense function) and forces of such country.

''(2) Provide appropriate legal support to commanders conducting defense and national security operations.

''(3) With respect to defense and national security law, institutionalize education, training, and professional development for personnel and forces, including uniformed lawyers, officers, noncommissioned officers, and civilian lawyers and leadership within such ministries of defense (and security agencies serving a similar defense function).

''(4) Establish a military justice system that is objective, transparent, and impartial.

''(5) Conduct effective and transparent command and administrative investigations.

''(6) Build the legal capacity of the forces and civilian personnel of ministries of defense (and security agencies serving a similar defense function) to provide equitable, transparent, and accountable institutions and provide for anti-corruption measures within such institutions.

''(7) Build capacity—

''(A) to provide for the protection of civilians consistent with the law of armed conflict and human rights law; and

''(B) to investigate incidents of civilian casualties.

''(8) Promote understanding and observance of—

''(A) the law of armed conflict;

''(B) human rights and fundamental freedoms;

''(C) the rule of law; and

''(D) civilian control of the military.

''(9) Establish mechanisms for effective civilian oversight of defense and national security legal institutions and legal matters.

''(c) ELEMENTS.—The initiative under subsection (a) shall include the following elements:

''(1) A measure for monitoring the implementation of the initiative and evaluating the efficiency and effectiveness of the initiative, in accordance with section 383 of title 10, United States Code.

''(2) An assessment of the organizational weaknesses for legal institutional capacity building of the applicable foreign country, including baseline information, an assessment of gaps in the capability and capacity of the appropriate institutions of such country, and any other indicator of efficacy, in accordance with section 383 of title 10, United States Code.

''(3) An engagement plan for building legal institutional capacity that addresses the weaknesses identified under paragraph (2), including objectives, milestones, and a timeline.

''(d) REPORTS.—

''(1) IN GENERAL.—Beginning in fiscal year 2020 through the fiscal year in which the initiative under subsection (a) terminates, the Secretary of Defense shall submit to the appropriate committees of Congress an annual report on the legal institutional capacity building activities carried out under this section.

''(2) INTEGRATION INTO OTHER CAPACITY BUILDING REPORTS.—The report submitted under paragraph (1) for a fiscal year shall be integrated into the report required pursuant to subsection (b)(2) of section 332 of title 10, United States Code, for the fourth fiscal year quarter of such fiscal year.

''(3) MATTERS TO BE INCLUDED.—Each report submitted under paragraph (1) shall include the following:

''(A) The same information required under subsection (b)(2) of section 332 of title 10, United States Code.

''(B) The names of the one or more countries in which the initiative was conducted.

''(C) For each such country—

''(i) the purpose of the initiative;

''(ii) the objectives, milestones, and timeline of the initiative;

''(iii) the number and type of advisors assigned and deployed to the country, as applicable; and

''(iv) an assessment of the progress of the implementation of the initiative.

''(e) SUNSET.—The initiative under subsection (a) shall terminate on December 31, 2028.

''(f) FUNDING.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in connection with such programs as authorized by this section, may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes.''

§ 333. Foreign security forces: authority to build capacity

(a) AUTHORITY.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of building the capacity of such forces to conduct one or more of the following:

(1) Counterterrorism operations.

(2) Counter-weapons of mass destruction operations.

(3) Counter-illicit drug trafficking operations.

(4) Counter-transnational organized crime operations.

(5) Maritime and border security operations.

(6) Military intelligence operations.

(7) Air domain awareness operations.

(8) Operations or activities that contribute to an existing international coalition operation that is determined by the Secretary to be in the national interest of the United States.

(9) Cyberspace security and defensive cyberspace operations.

(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct or support any program authorized by subsection (a).

(2) JOINT DEVELOPMENT AND PLANNING OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall jointly develop and plan any program carried out pursuant to subsection (a). In developing and planning a program to build the capacity of the national security forces of a foreign country under subsection (a), the Secretary of Defense and Secretary of State should jointly consider political, social, economic, diplomatic, and historical factors, if any, of the foreign country that may impact the effectiveness of the program.

(3) IMPLEMENTATION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall coordinate the implementation of any program under subsection (a). The Secretary of Defense and the Secretary of State shall each designate an individual responsible for program coordination under this paragraph at the lowest appropriate level in the Department concerned.

(4) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

(c) TYPES OF CAPACITY BUILDING.—

(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction supporting security cooperation programs under this section.

(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

(A) Observance of and respect for the law of armed conflict, human rights and fundamental freedoms, the rule of law, and civilian control of the military.

(B) Institutional capacity building.

(3) OBSERVANCE OF AND RESPECT FOR THE LAW OF ARMED CONFLICT, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE RULE OF LAW, AND CIVILIAN CONTROL OF THE MILITARY.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense or the Department of State is already undertaking, or will undertake as part of the security sector assistance provided to

the foreign country concerned, training that includes a comprehensive curriculum on the law of armed conflict, human rights and fundamental freedoms, and the rule of law, and that enhances the capacity to exercise responsible civilian control of the military, as applicable, to such national security forces.

(4) INSTITUTIONAL CAPACITY BUILDING.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department of Defense or another department or agency is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, a program of institutional capacity building with appropriate institutions of such foreign country to enhance the capacity of such foreign country to organize, administer, employ, manage, maintain, sustain, or oversee the national security forces of such foreign country.

(d) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

(3) DURATION OF SUSTAINMENT SUPPORT.—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 2015 or 2016, for a period in excess of five years unless the notice on the program pursuant to subsection (e) includes the information specified in paragraph (7) of subsection (e).

(e) NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided.

(2) A detailed evaluation of the capacity of the foreign country and unit to absorb the training or equipment to be provided under the program.

(3) The cost, implementation timeline, and delivery schedule for assistance under the program.

(4) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

(5) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

(6) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned, and of the interagency integrated country strategy, that will be advanced by the program.

(7) In the case of a program described in subsection (d)(3), each of the following:

(A) A written justification that the provision of sustainment support described in that subsection for a period in excess of five years will enhance the security interest of the United States.

(B) To the extent practicable, a plan to transition such sustainment support from funding through the Department to funding through another security sector assistance program of the United States Government or funding through partner nations.

(8) In the case of activities under a program that results in the provision of small-scale construction above $750,000, the location, project title, and cost of each small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location over the next 5 years.

(9) In the case of a program described in subsection (a), each of the following:

(A) A description of whether assistance under the program could be provided pursuant to other authorities under this title, the Foreign Assistance Act of 1961, or any other train and equip authorities of the Department of Defense.

(B) An identification of each such authority described in subparagraph (A).

(f) SEMI-ANNUAL MONITORING REPORTS.—The Director of the Defense Security Cooperation Agency shall, on a semi-annual basis, submit to the appropriate committees of Congress a report setting forth, for the preceding 180 days, the following:

(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, supplies (including consumables), and small-scale construction under programs under subsection (a).

(2) Information on the timeliness of delivery of defense articles, defense services, supplies (including consumables), and small-scale construction when compared with delivery schedules for such articles, services, supplies, and construction previously provided to Congress.

(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

(g) FUNDING.—

(1) SOLE SOURCE OF FUNDS.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in con-

nection with such programs as authorized by this section, may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes.

(2) AVAILABILITY OF FUNDS FOR PROGRAMS ACROSS FISCAL YEARS.—Amounts made available in fiscal year 2025 or any subsequent fiscal year to carry out the authority in subsection (a) may be used for programs under that authority that begin in such fiscal year and end not later than the end of the third fiscal year thereafter.

(h) EQUIPMENT DISPOSITION; NOTICE AND WAIT.—

(1) The Secretary of Defense may treat as stocks of the Department of Defense—

(A) equipment procured to carry out a program pursuant to subsection (a) that has not yet been transferred to a foreign country and is no longer needed to support such program or any other program carried out pursuant to such subsection; and

(B) equipment that has been transferred to a foreign country to carry out a program pursuant to subsection (a) and is returned by the foreign country to the United States.

(2) NOTICE AND WAIT.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

(A) The foreign country, and specific unit, whose capacity was intended to be built under the program, and the amount, type, and purpose of the equipment that was to be provided.

(B) An explanation why the equipment is no longer needed to support such program or another program carried out pursuant to such subsection.

(i) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may—

(A) allow a foreign country to provide sole-source direction for assistance in support of a program carried out pursuant to subsection (a); and

(B) enter into an agreement with a foreign country to provide such sole-source direction.

(2) NOTIFICATION.—Not later than 72 hours after the Secretary of Defense enters into an agreement under paragraph (1), the Secretary shall submit to the congressional defense committees a written notification that includes the following:

(A) A description of the parameters of the agreement, including types of support, objectives, and duration of support and cooperation under the agreement.

(B) A description and justification of any anticipated use of sole-source direction pursuant to such agreement.

(C) An assessment of the extent to which the equipment to be provided under the agreement—

(i) responds to the needs of the foreign country; and

(ii) can be sustained by the foreign country.

(D) A determination as to whether the anticipated costs to be incurred under the agreement are fair and reasonable.

(E) A certification that the agreement is in the national security interests of the United States.

(F) Any other matter relating to the agreement, as determined by the Secretary of Defense.

(Added Pub. L. 114–328, div. A, title XII, §1241(d)(1), Dec. 23, 2016, 130 Stat. 2500; amended Pub. L. 115–91, div. A, title XII, §1204(b), Dec. 12, 2017, 131 Stat. 1643; Pub. L. 115–232, div. A, title XII, §§1201, 1203(c), Aug. 13, 2018, 132 Stat. 2016; Pub. L. 116–92, div. A, title XII, §1201, Dec. 20, 2019, 133 Stat. 1620; Pub. L. 116–283, div. A, title XII, §1201, Jan. 1, 2021, 134 Stat. 3908; Pub. L. 117–263, div. A, title XII, §1202(c), Dec. 23, 2022, 136 Stat. 2823; Pub. L. 118–31, div. A, title XII, §1203(b), (c), Dec. 22, 2023, 137 Stat. 441, 442; Pub. L. 118–159, div. A, title XII, §1201(a), Dec. 23, 2024, 138 Stat. 2093.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (e)(5), (9)(A), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

PRIOR PROVISIONS

A prior section 333 was renumbered section 253 of this title.

AMENDMENTS

2024—Subsec. (g)(2). Pub. L. 118–159 amended par. (2) generally. Prior to amendment, par. (2) related to availability of funds for programs across fiscal years.

2023—Subsecs. (h), (i). Pub. L. 118–31 added subsecs. (h) and (i).

2022—Subsec. (f). Pub. L. 117–263 substituted ''Semi-Annual'' for ''Quarterly'' in heading and ''a semi-annual'' for ''a quarterly'' and ''180 days'' for ''calendar quarter'' in introductory provisions.

2021—Subsec. (a)(7), (8). Pub. L. 116–283, §1201(1), (2), added par. (7) and redesignated former par. (7) as (8).

Subsec. (a)(9). Pub. L. 116–283, §1201(3), added par. (9).

2019—Subsec. (a)(7). Pub. L. 116–92, §1201(a), inserted ''existing'' before ''international coalition operation''.

Subsec. (e)(9). Pub. L. 116–92, §1201(b), added par. (9).

2018—Subsec. (b)(2). Pub. L. 115–232, §1201, inserted at end ''In developing and planning a program to build the capacity of the national security forces of a foreign country under subsection (a), the Secretary of Defense and Secretary of State should jointly consider political, social, economic, diplomatic, and historical factors, if any, of the foreign country that may impact the effectiveness of the program.''

Subsec. (c)(1). Pub. L. 115–232, §1203(c)(1), inserted ''supporting security cooperation programs under this section'' after ''small-scale construction''.

Subsec. (e)(8). Pub. L. 115–232, §1203(c)(2), added par. (8).

2017—Subsec. (c)(2)(A). Pub. L. 115–91, §1204(b)(1)(A), substituted ''the rule of law, and civilian control of the military'' for ''and the rule of law''.

Subsec. (c)(2)(B). Pub. L. 115–91, §1204(b)(1)(B), substituted ''Institutional capacity building'' for ''Respect for civilian control of the military''.

Subsec. (c)(3). Pub. L. 115–91, §1204(b)(2), in heading, substituted ''Observance of and respect for the law of armed conflict, human rights and fundamental freedoms, the rule of law, and civilian control of the military'' for ''Human rights training'' and in text, inserted ''or the Department of State'' after ''Department of Defense'' and substituted ''training that includes a comprehensive curriculum on the law of armed conflict, human rights and fundamental freedoms, and the rule of law, and that enhances the capacity to exercise responsible civilian control of the military'' for ''human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict''.

Subsec. (c)(4). Pub. L. 115–91, §1204(b)(3), substituted ''that the Department of Defense or another department or agency is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, a program of institutional capacity building with appropriate institutions of such foreign country to enhance the capacity of such foreign country to organize, administer, employ, manage, maintain, sustain, or oversee the national security forces of such foreign country.'' for ''that the Department is already undertaking, or will undertake as part of the program, a program of institutional capacity building with appropriate institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a).'' and struck out at end ''The purpose of the program of institutional capacity building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.''

Statutory Notes and Related Subsidiaries

INDO-PACIFIC CAMPAIGNING INITIATIVE

Pub. L. 118–31, div. A, title XIII, §1304, Dec. 22, 2023, 137 Stat. 489, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall establish, and the Commander of the United States Indo-Pacific Command shall carry out, an Indo-Pacific Campaigning Initiative (in this section referred to as the 'Initiative') for purposes of—

''(1) strengthening United States alliances and partnerships with foreign military partners in the Indo-Pacific region;

''(2) deterring military aggression by potential adversaries against the United States and allies and partners of the United States;

''(3) dissuading strategic competitors from seeking to achieve their objectives through the conduct of military activities below the threshold of traditional armed conflict;

''(4) improving the understanding of the United States Armed Forces with respect to the operating environment in the Indo-Pacific region;

''(5) shaping the perception of potential adversaries with respect to United States military capabilities and the military capabilities of allies and partners of the United States in the Indo-Pacific region; and

''(6) improving the ability of the United States Armed Forces to coordinate and operate with foreign military partners in the Indo-Pacific region.

''(b) BRIEFING AND REPORT.—

''(1) BRIEFING.—Not later than March 1, 2024, the Secretary shall provide the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] with a briefing that describes ongoing and planned campaigning activities in the Indo-Pacific region for fiscal year 2024.

''(2) REPORT.—Not later than December 1, 2024, the Secretary shall submit to the congressional defense committees a report that—

''(A) summarizes the campaigning activities conducted in the Indo-Pacific region during fiscal year 2024; and

''(B) includes—

''(i) an assessment of the value each such activity contributes to meeting strategic or operational objectives relative to the commitment of resources of such activity;

''(ii) lessons learned in carrying out such activities;

''(iii) any identified resource or authority gap that has negatively impacted the implementation of the Initiative; and

''(iv) proposed plans for additional campaigning activities in the Indo-Pacific region to fulfill the purposes described in subsection (a).

''(c) CAMPAIGNING DEFINED.—In this section, the term 'campaigning'—

''(1) means the conduct and sequencing of logically linked military activities to achieve strategy aligned objectives, including modifying the security environment over time to the benefit of the United States and the allies and partners of the United States while limiting, frustrating, and disrupting competitor activities; and

''(2) includes deliberately planned military activities in the Indo-Pacific region involving bilateral and multilateral engagements with foreign partners, training, exercises, demonstrations, experiments, and other activities to achieve the objectives described in subsection (a).''

ENHANCING MAJOR DEFENSE PARTNERSHIP WITH INDIA

Pub. L. 118–31, div. A, title XIII, §1316, Dec. 22, 2023, 137 Stat. 498, provided that: ''The Secretary of Defense, in coordination with the Secretary of State and the head of any other relevant Federal department or agency, shall seek to ensure that India is appropriately considered for cooperative defense activities consistent with the status of India as a major defense partner of the United States, including with respect to the following lines of effort:

''(1) Eligibility for funding to initiate or facilitate cooperative research, development, testing, or evaluation projects with the Department of Defense, with priority given to projects in the areas of—

''(A) intelligence, surveillance, and reconnaissance;

''(B) undersea domain awareness;

''(C) air combat and support;

''(D) munitions; and

''(E) mobility.

''(2) Eligibility to enter into agreements with the Department of Defense for cooperative bilateral or multilateral provision of training to build capacity in the areas of—

''(A) counterterrorism operations;

''(B) counter-weapons of mass destruction operations;

''(C) counter-illicit drug trafficking operations;

''(D) counter-transnational organized crime operations;

''(E) maritime and border security operations;

''(F) military intelligence operations;

''(G) air domain awareness operations; and

''(H) cyberspace security and defensive cyberspace operations.

''(3) Eligibility to enter into a memorandum of understanding or other formal agreement with the Department of Defense for the purpose of conducting cooperative research and development projects on defense equipment and munitions.

''(4) Eligibility for entities from India to bid on contracts for the maintenance, repair, or overhaul of Department of Defense equipment located outside the United States.''

MILITARY CYBERSECURITY COOPERATION WITH HASHEMITE KINGDOM OF JORDAN

Pub. L. 117–263, div. A, title XV, §1508, Dec. 23, 2022, 136 Stat. 2885, provided that:

''(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense, acting through the Under Secretary of Defense for Policy, in concurrence with the Secretary of State and in coordination with the Commander of the United States Cyber Command and the Commander of the United States Central Command, shall seek to engage the Ministry of Defense of the Hashemite Kingdom of Jordan for the purpose of expanding cooperation of military cybersecurity activities.

''(b) COOPERATION EFFORTS.—In expanding the cooperation of military cybersecurity activities between the Department of Defense and the Ministry of Defense of the Hashemite Kingdom of Jordan under subsection (a), the Secretary of Defense may carry out the following efforts:

''(1) Bilateral cybersecurity training activities and exercises.

''(2) Efforts to—

''(A) actively defend military networks, infrastructure, and systems;

''(B) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems; and

''(C) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

''(3) Establishment of a regional cybersecurity center.

''(c) BRIEFINGS.—

''(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate congressional committees a briefing on the implementation of this section.

''(2) CONTENTS.—The briefing under paragraph (1) shall include the following:

''(A) An overview of efforts undertaken pursuant to this section.

''(B) A description of the feasibility and advisability of expanding the cooperation of military cybersecurity activities between the Department of Defense and the Ministry of Defense of the Hashemite Kingdom of Jordan.

''(C) Identification of any challenges and resources that need to be addressed so as to expand such cooperation.

''(D) Any other matter the Secretary determines relevant.

''(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.''

PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH COVERED FOREIGN MILITARY PARTNERS IN SOUTHEAST ASIA

Pub. L. 116–283, div. A, title XII, §1256, Jan. 1, 2021, 134 Stat. 3956, as amended by Pub. L. 118–31, div. A, title XIII, §1315(a)–(g)(1), Dec. 22, 2023, 137 Stat. 497, 498, provided that:

''(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may establish, using existing authorities of the Department of Defense, a pilot program with covered foreign military partners—

''(1) to enhance the cyber security, resilience, and readiness of the military forces of covered foreign military partners; and

''(2) to increase regional cooperation between the United States and covered foreign military partners on defensive cyber issues.

''(b) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

''(1) Provision of training to military officers and civilian officials in the ministries of defense of covered foreign military partners.

''(2) The facilitation of regular dialogues and trainings among the Department of Defense and the ministries of defense of covered foreign military partners with respect to the development of infrastructure to protect against foreign cyber attacks.

''(3) To undertake, as part of cyber cooperation, training that includes curricula expressly relating to human rights, the rule of law, and internet freedom.

''(c) REPORTS.—

''(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2021, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on the design of the pilot program under subsection (a).

''(2) PROGRESS REPORT.—Not later than December 31, 2021, and annually thereafter until the date on which the pilot program terminates under subsection (e), the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on the pilot program that includes—

''(A) a description of the activities conducted and the results of such activities;

''(B) an assessment of reforms relevant to cybersecurity and technology in enhancing the cyber security, resilience, and readiness of the military forces of covered foreign military partners;

''(C) an assessment of the effectiveness of curricula relating to human rights, the rule of law, and internet freedom; and

''(D) the content and curriculum of any program made available to participants of such program.

''(d) CERTIFICATION.—Not later than 30 days before the date on which the pilot program under subsection (a) is scheduled to commence with any covered foreign military partner, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a certification indicating whether such program would credibly enable, enhance, or facilitate violations of internet freedom or other human rights abuses in the covered foreign military partner.

''(e) TERMINATION.—The pilot program under subsection (a) shall terminate on December 31, 2027.

''(f) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

''(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

''(2) COVERED FOREIGN MILITARY PARTNER.—The term 'covered foreign military partner' means the following:

''(A) Vietnam.

''(B) Thailand.

''(C) Indonesia.

''(D) The Philippines.

''(E) Malaysia.''

GUIDANCE

Pub. L. 114–328, div. A, title XII, §1241(d)(4), Dec. 23, 2016, 130 Stat. 2504, provided that: ''Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall prescribe, and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], initial policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added.

Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe, and submit to the congressional defense committees, final policy guidance on roles, responsibilities, and processes in connection with such programs and activities.''

TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES

Pub. L. 114–92, div. A, title XII, § 1251, Nov. 25, 2015, 129 Stat. 1070, as amended by Pub. L. 114–328, div. A, title XII, § 1233, Dec. 23, 2016, 130 Stat. 2489; Pub. L. 115–91, div. A, title XII, § 1205, Dec. 12, 2017, 131 Stat. 1643; Pub. L. 116–92, div. A, title XII, § 1247(a), Dec. 20, 2019, 133 Stat. 1662; Pub. L. 116–283, div. A, title XII, § 1243, Jan. 1, 2021, 134 Stat. 3947; Pub. L. 117–81, div. A, title XII, § 1233, Dec. 27, 2021, 135 Stat. 1974; Pub. L. 118–31, div. A, title XII, § 1249, Dec. 22, 2023, 137 Stat. 464; Pub. L. 118–159, div. A, title XIII, § 1302, Dec. 23, 2024, 138 Stat. 2110, provided that:

''(a) AUTHORITY.—The Secretary of Defense may provide the training specified in subsection (b), and pay the incremental expenses incurred by a country as the direct result of participation in such training, for the national security forces provided for under subsection (c).

''(b) TYPES OF TRAINING.—The training provided to the national security forces of a country under subsection (a) shall be limited to training that is—

''(1) provided in the course of the conduct of a multilateral exercise in which the United States Armed Forces are a participant;

''(2) comparable to or complimentary of the types of training the United States Armed Forces receive in the course of such multilateral exercise; and

''(3) for any purpose as follows:

''(A) To enhance and increase the interoperability of the security forces to be trained to increase their ability to participate in coalition efforts led by the United States or the North Atlantic Treaty Organization (NATO).

''(B) To increase the capacity of such security forces to respond to external threats.

''(C) To increase the capacity of such security forces to respond to hybrid warfare.

''(D) To increase the capacity of such security forces to respond to calls for collective action within the North Atlantic Treaty Organization.

''(c) ELIGIBLE COUNTRIES.—

''(1) IN GENERAL.—Training may be provided under subsection (a) to the national security forces of the countries determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be appropriate recipients of such training from among the countries as follows:

''(A) Countries that are a signatory to the Partnership for Peace Framework Documents, but not a member of the North Atlantic Treaty Organization.

''(B) Countries that became a member of the North Atlantic Treaty Organization after January 1, 1999.

''(C) The Republic of Kosovo.

''(D) The Republic of Cyprus.

''(2) ELIGIBLE COUNTRIES.—Before providing training under subsection (a), the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a list of the countries determined pursuant to paragraph (1) to be eligible for the provision of training under subsection (a).

''(d) FUNDING OF INCREMENTAL EXPENSES.—

''(1) ANNUAL FUNDING.—Of the amounts specified in paragraph (2) for a fiscal year, up to a total of $28,000,000 may be used to pay incremental expenses under subsection (a) in that fiscal year.

''(2) AMOUNTS.—The amounts specified in this paragraph are as follows:

''(A) Amounts authorized to be appropriated for a fiscal year for operation and maintenance, Army, and available for the Combatant Commands Direct Support Program for that fiscal year.

''(B) Amounts authorized to be appropriated for a fiscal year for operation and maintenance, Defense-wide, and available for the Wales Initiative Fund for that fiscal year.

''(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available for additional activities for the European Deterrence Initiative for that fiscal year.

''(3) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available in a fiscal year pursuant to this subsection may be used for incremental expenses of training that begins in that fiscal year and ends in the next fiscal year.

''(4) REGULATIONS.—

''(A) IN GENERAL.—The Secretary of Defense shall prescribe regulations for payment of incremental expenses under subsection (a). Not later than 120 days after the date of the enactment of this paragraph [Dec. 12, 2017], the Secretary shall submit the regulations to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(B) PROCEDURES TO BE INCLUDED.—The regulations required under subparagraph (A) shall include procedures—

''(i) to require reimbursement of incremental expenses from non-developing countries determined pursuant to subsection (c) to be eligible for the provision of training under subsection (a); and

''(ii) to provide for a waiver of the requirement of reimbursement of incremental expenses under clause (i), on a case-by-case basis, if the Secretary of Defense determines special circumstances exist to provide for the waiver.

''(C) QUARTERLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on a quarterly basis, a report that includes a description of each waiver of the requirement of reimbursement of incremental expenses under subparagraph (B)(i) that was in effect at any time during the preceding calendar quarter.

''(D) NON-DEVELOPING COUNTRY DEFINED.—In this paragraph, the term 'non-developing country' means a country that is not a developing country, as such term is defined in section 301(4) of title 10, United States Code.

''(e) BRIEFING TO CONGRESS ON USE OF AUTHORITY.—Not later than 90 days after the end of each fiscal year in which the authority in subsection (a) is used, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the use of the authority during such fiscal year, including each country with which training under the authority was conducted and the types of training provided.

''(f) CONSTRUCTION OF AUTHORITY.—The authority provided in subsection (a)—

''(1) is in addition to any other authority provided by law authorizing the provision of training for the national security forces of a foreign country, including chapter 16 of title 10, United States Code; and

''(2) shall not be construed to include authority for the training of irregular forces, groups, or individuals.

''(g) INCREMENTAL EXPENSES DEFINED.—In this section, the term 'incremental expenses' has the meaning given such term in section 301(5) of title 10, United States Code.

''(h) TERMINATION OF AUTHORITY.—The authority under this section shall terminate on December 31, 2027. Any activity under this section initiated before that date may be completed, but only using funds available for the period beginning on October 1, 2015, and ending on December 31, 2027.''

INDO-PACIFIC MARITIME SECURITY INITIATIVE; INDO-PACIFIC MARITIME DOMAIN AWARENESS INITIATIVE

Pub. L. 118–31, div. A, title XIII, §1305, Dec. 22, 2023, 137 Stat. 490, provided that:

''(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense, in coordination with the Secretary of State, shall seek to establish an initiative with allies and partners of the United States, including Australia, Japan, and India, to be known as the 'Indo-Pacific Maritime Domain Awareness Initiative' (in this section referred to as the 'Initiative'), to bolster maritime domain awareness in the Indo-Pacific region.

''(b) USE OF AUTHORITIES.—In carrying out the Initiative, the Secretary of Defense may use the authorities provided in chapter 16 of title 10, United States Code, and other applicable statutory authorities available to the Secretary of Defense.

''(c) PURPOSES.—The purposes of the Initiative are as follows:

''(1) To enhance the ability of allies and partners of the United States in the Indo-Pacific region to monitor the maritime domain of such region.

''(2) To utilize emerging technologies to support maritime domain awareness objectives.

''(3) To provide a comprehensive understanding of the maritime domain in the Indo-Pacific region, including by facilitating information sharing among such allies and partners.''

Pub. L. 114–92, div. A, title XII, §1263, Nov. 25, 2015, 129 Stat. 1073, as amended by Pub. L. 114–328, div. A, title XII, §1289, Dec. 23, 2016, 130 Stat. 2555; Pub. L. 115–232, div. A, title XII, §1252, Aug. 13, 2018, 132 Stat. 2053; Pub. L. 116–92, div. A, title XII, §§1251, 1252(a), Dec. 20, 2019, 133 Stat. 1666–1668; Pub. L. 117–81, div. A, title XII, §1241, Dec. 27, 2021, 135 Stat. 1976; Pub. L. 117–263, div. A, title XII, §1252, Dec. 23, 2022, 136 Stat. 2850; Pub. L. 118–159, div. A, title XIII, §1312, Dec. 23, 2024, 138 Stat. 2112, provided that:

''(a) ASSISTANCE AND TRAINING.—

''(1) IN GENERAL.—The Secretary of Defense is authorized, with the concurrence of the Secretary of State, with the primary goal of increasing multilateral maritime security cooperation and maritime domain awareness of foreign countries in the area of responsibility of the United States Indo-Pacific Command—

''(A) to provide assistance to—

''(i) the national military or other security forces of any such country that has among its functional responsibilities a maritime security mission; and

''(ii) any other national-level governmental organization of such a country that has among its functional responsibilities a maritime domain awareness mission, for purposes of helping to achieve the maritime domain awareness objectives of such country if such assistance directly contributes to the integration of a maritime domain awareness activity with the national military or other security forces described in clause (i); and

''(B) to provide training to—

''(i) ministry, agency, and headquarters-level organizations for such forces; or

''(ii) other national-level governmental organizations described in paragraph (A)(ii).

''(2) DESIGNATION OF ASSISTANCE AND TRAINING.—The provision of assistance and training under this section may be referred to as the 'Indo-Pacific Maritime Security Initiative'.

''(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under subsection (a) are the countries located within the area of responsibility of the United States Indo-Pacific Command.

''(c) TYPES OF ASSISTANCE AND TRAINING.—

''(1) AUTHORIZED ELEMENTS OF ASSISTANCE.—Assistance provided under subsection (a)(1)(A) may include the provision of equipment, supplies, training, and small-scale construction (as defined in section 301 of title 10, United States Code).

''(2) REQUIRED ELEMENTS OF ASSISTANCE AND TRAINING.—Assistance and training provided under subsection (a) shall include elements that promote the following:

''(A) Observance of and respect for the law of armed conflict, the rule of law, and human rights and fundamental freedoms.

''(B) Respect for legitimate civilian authority within the country to which the assistance is provided.

''(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—In developing programs for assistance or training to be provided under subsection (a), the Secretary of Defense shall prioritize assistance, training, or both, to enhance—

''(1) multilateral cooperation and coordination among recipient countries; or

''(2) the capabilities of a recipient country to more effectively participate in a regional organization of which the recipient country is a member.

''(e) INCREMENTAL EXPENSES OF PERSONNEL OF RECIPIENT COUNTRIES FOR TRAINING.—If the Secretary of Defense determines that the payment of incremental expenses (as defined in section 301 of title 10, United States Code) in connection with training described in subsection (a)(1)(B) will facilitate the participation in such training of organization personnel of recipient countries described in subsection (b), the Secretary may use amounts available under subsection (f) for assistance and training under subsection (a) for the payment of such incremental expenses.

''(f) AVAILABILITY OF FUNDS FOR COAST GUARD PERSONNEL AND CAPABILITIES.—The Secretary of Defense may use funds made available under this section to facilitate the participation of Coast Guard personnel in, and the use of Coast Guard capabilities for, training, exercises, and other activities with foreign countries under this section.

''(g) LIMITATIONS.—

''(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

''(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of title 10, United States Code.

''(3) SECURITY COOPERATION.—Assistance, training, and exercises with recipient countries described in subsection (b) shall be planned and prioritized consistent with applicable guidance relating to the security cooperation program and activities of the Department of Defense.

''(4) ASSESSMENT, MONITORING, AND EVALUATION.—The provision of assistance and training pursuant to a program under subsection (a) shall be subject to the provisions of section 383 of title 10, United States Code.

''(h) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—

''(1) IN GENERAL.—Not later than 15 days before exercising the authority under subsection (a) or (e) with respect to a recipient foreign country, the Secretary of Defense shall submit to the appropriate committees of Congress a notification containing the following:

''(A) The recipient foreign country, the specific unit or units or national-level governmental organization whose capacity to engage in activities under a program of assistance or training to be provided under subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided.

''(B) A detailed justification of the program for the provision of the assistance or training con-

cerned, its relationship to United States security interests, and an explanation of the manner in which such assistance or training will increase multilateral maritime security cooperation or maritime domain awareness.

''(C) The budget for the program, including a timetable of planned expenditures of funds to implement the program, an implementation timeline for the program with milestones (including anticipated delivery schedules for any assistance under the program), the military department or component responsible for management of the program, and the anticipated completion date for the program.

''(D) A description of the arrangements, if any, to support host nation sustainment of any capability developed pursuant to the program, and the source of funds to support sustainment efforts and performance outcomes to be achieved under the program beyond its completion date, if applicable.

''(E) A description of the program objectives and an assessment framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient force.

''(F) Information, including the amount, type, and purpose, on assistance and training provided under subsection (a) during the three preceding fiscal years, if applicable.

''(G) A description of the elements of the theater campaign plan of the United States Indo-Pacific Command and the interagency integrated country strategy that will be advanced by the assistance and training provided under subsection (a).

''(H) A description of whether assistance and training provided under subsection (a) could be provided pursuant to—

''(i) section 333 of title 10, United States Code, or other security cooperation authorities of the Department of Defense; or

''(ii) security cooperation authorities of the Department of State.

''(I) An identification of each such authority described in subparagraph (H).

''(J) Such other matters as the Secretary considers appropriate.

''(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

''(i) ANNUAL MONITORING REPORTS.—

''(1) IN GENERAL.—Not later than March 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth, for the preceding calendar year, the following:

''(A) The overall strategy for improving multilateral maritime security cooperation and maritime domain awareness across the theater, including an identification of the following:

''(i) Priority countries and associated capabilities across the theater.

''(ii) Strategic objectives for the Indo-Pacific Maritime Security Initiative across the theater, lines of effort, and desired end results for such lines of effort.

''(iii) Significant challenges to improving multilateral maritime security cooperation and maritime domain awareness across the theater and the manner in which the United States Indo-Pacific Command is seeking to address such challenges.

''(B) An assessment, by recipient foreign country, of—

''(i) the country's capabilities relating to maritime security and maritime domain awareness;

''(ii) the country's capability enhancement priorities, including how such priorities relate to the theater campaign strategy, country plan, and theater campaign plan relating to maritime security and maritime domain awareness; and

''(iii) how such capabilities can be leveraged to improve multilateral maritime security cooperation and maritime domain awareness.

''(C) A discussion, by recipient foreign country, of—

''(i) priority capabilities that the Department of Defense plans to enhance under the authority under subsection (a) and priority capabilities the Department plans to enhance under separate United States security cooperation and security assistance authorities; and

''(ii) the anticipated timeline for assistance and training for each such capability.

''(D) Information, by recipient foreign country, on the status of funds allocated for assistance and training provided under subsection (a), including funds allocated but not yet obligated or expended.

''(E) Information, by recipient foreign country, on the delivery and use of assistance and training provided under subsection (a).

''(F) Information, by recipient foreign country, on the timeliness of the provision of assistance and training under subsection (a) as compared to the timeliness of the provision of assistance and training previously provided to the foreign country under subsection (a).

''(G) A description of the reasons the Department of Defense chose to utilize the authority for assistance and training under subsection (a) in the preceding calendar year.

''(H) An explanation of any impediments to timely obligation or expenditure of funds allocated for assistance and training under subsection (a) or any significant delay in the delivery of such assistance and training.

''(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' has the meaning given the term in subsection (h)(2).

''(j) EXPIRATION.—Assistance and training may not be provided under this section after December 31, 2027.''

TRAINING OF SECURITY FORCES AND ASSOCIATED SECURITY MINISTRIES OF FOREIGN COUNTRIES TO PROMOTE RESPECT FOR THE RULE OF LAW AND HUMAN RIGHTS

Pub. L. 113–291, div. A, title XII, § 1206, Dec. 19, 2014, 128 Stat. 3538, as amended by Pub. L. 115–232, div. A, title XII, § 1205(c), Aug. 13, 2018, 132 Stat. 2018, authorized the Secretary of Defense to conduct human rights training of security forces and associated security ministries of foreign countries and terminated such authority on Sept. 30, 2020.

§ 334. Administrative support and payment of certain expenses for covered foreign defense personnel

(a) IN GENERAL.—The Secretary of Defense may—

(1) provide administrative services and support to the United Nations Command for the performance of duties by covered foreign defense personnel during the period in which the covered foreign defense personnel are assigned to the United Nations Command or the Neutral Nations Supervisory Commission in accordance with the Korean War Armistice Agreement of 1953; and

(2) pay the expenses specified in subsection (b) for covered foreign defense personnel who are—

(A) from a developing country; and

(B) assigned to the headquarters of the United Nations Command.

(b) TYPES OF EXPENSES.—The types of expenses that may be paid under the authority of subsection (a)(2) are the following:

(1) Travel and subsistence expenses directly related to the duties of covered foreign defense personnel described in subsection (a)(2) in connection with the assignment of such covered foreign defense personnel.

(2) Personal expenses directly related to carrying out such duties.

(3) Expenses for medical care at a military medical facility.

(4) Expenses for medical care at a civilian medical facility, if—

(A) adequate medical care is not available to such covered foreign defense personnel at a local military medical treatment facility;

(B) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

(C) medical care is not otherwise available to such covered foreign defense personnel pursuant to a treaty or any other international agreement.

(5) Mission-related travel expenses, if—

(A) such travel is in direct support of the national interests of the United States; and

(B) the Commander of the United Nations Command directs round-trip travel from the headquarters of the United Nations Command to one or more locations.

(c) REIMBURSEMENT.—The Secretary may provide the administrative services and support and pay the expenses authorized by subsection (a) with or without reimbursement.

(d) DEFINITIONS.—In this section:

(1) The term ''administrative services and support'' means base or installation support services, facilities use, base operations support, office space, office supplies, utilities, copying services, computer support, communication services, fire and police protection, postal services, bank services, transportation services, housing and temporary billeting (including ancillary services), specialized clothing required to perform assigned duties, temporary loan of special equipment, storage services, training services, and repair and maintenance services.

(2) The term ''covered foreign defense personnel'' means members of the military of a foreign country who are assigned to—

(A) the United Nations Command; or

(B) the Neutral Nations Supervisory Commission.

(3) The term ''developing country'' has the meaning given the term in section 301(4) of this title.

(4) The term ''Neutral Nations Supervisory Commission'' means the delegations from Sweden and Switzerland (or successor delegations) appointed in accordance with the Korean War Armistice Agreement of 1953 or its subsequent agreements.

(5) The term ''United Nations Command'' means the headquarters of the United Nations Command, the United Nations Command Military Armistice Commission, the United Nations Command-Rear, and the United Nations Command Honor Guard.

(Added Pub. L. 117–81, div. A, title XII, §1201(a), Dec. 27, 2021, 135 Stat. 1957.)

Editorial Notes

PRIOR PROVISIONS

A prior section 334 was renumbered section 254 of this title.

§ 335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security

(a) AUTHORITY.—The Secretary of Defense may pay the expendable training supplies, travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for participation in the training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security:

(1) Defense personnel of friendly foreign governments.

(2) With the concurrence of the Secretary of State, other personnel of friendly foreign governments and nongovernmental personnel.

(b) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided in subsection (a) may only be used for the payment of such expenses of, and special compensation for, such personnel from developing countries.

(2) EXCEPTION.— The Secretary may authorize the payment of such expenses of, and special compensation for, such personnel from a country other than a developing country if the Secretary determines that such payment is—

(A) necessary to respond to extraordinary circumstances; and

(B) in the national security interest of the United States.

(Added Pub. L. 117–263, div. A, title XII, §1201(a), Dec. 23, 2022, 136 Stat. 2822.)

Editorial Notes

PRIOR PROVISIONS

A prior section 335 was renumbered section 255 of this title.

[§ 336. Repealed. Pub. L. 96–513, title V, § 511(11)(B), Dec. 12, 1980, 94 Stat. 2921]

Section, added Pub. L. 90–496, §12, Aug. 23, 1968, 82 Stat. 841, included Virgin Islands within ''State''. See section 255 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES

Sec.
341. Department of Defense State Partnership Program.
342. Regional Centers for Security Studies.
343. Western Hemisphere Institute for Security Cooperation.

Sec.
344. Participation in multinational centers of excellence.
345. Irregular Warfare Center and Regional Defense Fellowship Program.
346. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.
347. International engagement authorities for service academies.
348. Aviation Leadership Program.
349. Inter-American Air Forces Academy.
350. Inter-European Air Forces Academy.
351. Inter-American Defense College.
352. Naval Small Craft Instruction and Technical Training School.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, div. A, title XII, §1204(b), Dec. 23, 2022, 136 Stat. 2829, added item 345 and struck out former item 345 ''Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program''.

2021—Pub. L. 116–283, div. A, title XII, §1206(b), Jan. 1, 2021, 134 Stat. 3913, added item 344 and struck out former item 344 ''Participation in multinational military centers of excellence''.

2019—Pub. L. 116–92, div. A, title XVII, §1731(a)(15), Dec. 20, 2019, 133 Stat. 1813, struck out ''Sec.'' after item 350.

2018—Pub. L. 115–232, div. A, title XII, §§1204(c)(1)(C), 1207(b), 1208(a)(2), 1209(b)(2), Aug. 13, 2018, 132 Stat. 2017, 2020, 2021, 2023, substituted ''Centers for Security Studies'' for ''centers for security studies'' in item 342, inserted ''and Irregular Warfare'' after ''Terrorism'' in item 345, and added items 351 and 352.

Statutory Notes and Related Subsidiaries

DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES

Pub. L. 115–91, div. A, title XII, §1207, Dec. 12, 2017, 131 Stat. 1645, provided that:

''(a) IN GENERAL.—The Secretary of Defense may operate an institute to be known as the 'Defense Institute of International Legal Studies' (in this section referred to as the 'Institute') in accordance with this section to further the United States security and foreign policy objectives of—

''(1) promoting an understanding of and appreciation for the rule of law; and

''(2) encouraging the international development of internal capacities of foreign governments for civilian control of the military, military justice, the legal aspects of peacekeeping, good governance and anticorruption in defense reform, and human rights.

''(b) ACTIVITIES.—In carrying out the purposes specified in subsection (a), the Institute may conduct activities as follows:

''(1) Exchange of ideas on best practices and lessons learned in order to improve compliance with international legal norms.

''(2) Education and training involving professional legal engagement with foreign military personnel and related civilians, both within and outside the United States.

''(3) Building the legal capacity of foreign military and other security forces, including equitable, transparent, and accountable defense institutions, civilian control of the military, human rights, and democratic governance.

''(4) Institutional legal capacity building of foreign defense and security institutions.

''(c) DEPARTMENT OF DEFENSE REVIEW.—

''(1) IN GENERAL.—The Secretary shall conduct a comprehensive review of the mission, workforce, funding, and other support of the Institute.

''(2) ELEMENTS.—The review shall include, but not be limited to, the following:

''(A) An assessment of the scope of the mission of the Institute, taking into account the increasing security cooperation authorities and requirements of the Department of Defense, including core rule of law training in the United States and abroad, defense legal institution building, and statutorily required human rights and legal capacity building of foreign security forces.

''(B) An assessment of the workforce of the Institute, including whether it is appropriately sized to align with the full scope of the mission of the Institute.

''(C) A review of the funding mechanisms for the activities of the Institute, including the current mechanisms for reimbursing the Institute by the Department of State and by the Department of Defense through the budget of the Defense Security Cooperation Agency.

''(D) An evaluation of the feasibility and advisability of the provision of funds appropriated for the Department of Defense directly to the Institute, and the actions, if any, required to authorize the Institute to receive such funds directly.

''(E) A description of the challenges, if any, faced by the Institute to increase its capacity to provide residence courses to meet demands for training and assistance.

''(F) An assessment of the capacity of the Department of Defense to assess, monitor, and evaluate the effectiveness of the human rights training and other activities of the Institute.

''(3) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report summarizing the findings of the review and any recommendations for enhancing the capability of the Institute to fulfill its mission that the Secretary considers appropriate.

''(d) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act [Dec. 12, 2017], the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that sets forth the following:

''(A) A description of the mechanisms and authorities used by the Department of Defense and the Department of State to conduct training of foreign security forces on human rights and international humanitarian law.

''(B) A description of the funding used to support the training described in subparagraph (A).

''(C) A description and assessment of the methodology used by each of the Department of Defense and the Department of State to assess the effectiveness of such training.

''(D) Such recommendations for improvements to such training as the Comptroller General considers appropriate.

''(E) Such other matters relating to such training as the Comptroller General considers appropriate.

''(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.''

§ 341. Department of Defense State Partnership Program

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to establish a program of

activities described in paragraph (2), to support the security cooperation objectives of the United States, between members of the National Guard of a State or territory and any of the following:

(A) The military forces of a foreign country.

(B) The security forces of a foreign country.

(C) Governmental organizations of a foreign country whose primary functions include disaster response or emergency response.

(2) STATE PARTNERSHIP.—Each program established under this subsection shall be known as a ''State Partnership''.

(b) LIMITATIONS.—

(1) IN GENERAL.—An activity with forces referred to in subsection (a)(1)(B) or organizations described in subsection (a)(1)(C) under a program established under subsection (a) may be carried out only if the Secretary of Defense, with the concurrence of the Secretary of State, determines and notifies the appropriate congressional committees not less than 15 days before initiating such activity that the activity is in the national security interests of the United States.

(2) PROHIBITION ON ACTIVITIES WITH UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The conduct of any assistance activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.

(c) COORDINATION OF ACTIVITIES.—The Chief of the National Guard Bureau shall designate a director for each State and territory to be responsible for the coordination of activities under a program established under subsection (a) for such State or territory and reporting on activities under the program.

(d) REGULATIONS.—This section shall be carried out in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section. Such regulations shall include accounting procedures to ensure that expenditures of funds to carry out this section are accounted for and appropriate.

(e) AVAILABILITY OF AUTHORIZED FUNDS FOR PROGRAM.—

(1) IN GENERAL.—Funds authorized to be appropriated to the Department of Defense, including funds authorized to be appropriated for the Army National Guard and Air National Guard, are authorized to be available—

(A) for payment of costs incurred by the National Guard of a State or territory to conduct activities under a program established under subsection (a); and

(B) for payment of incremental expenses of a foreign country to conduct activities under a program established under subsection (a).

(2) LIMITATIONS.—

(A) ACTIVE DUTY REQUIREMENT.—Funds shall not be available under paragraph (1) for the participation of a member of the National Guard of a State or territory in activities in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(B) INCREMENTAL EXPENSES.—The total amount of payments for incremental expenses of foreign countries as authorized under paragraph (1)(B) for activities under programs established under subsection (a) in any fiscal year may not exceed $10,000,000.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede any authority under title 10 as in effect on December 26, 2013.

(Added and amended Pub. L. 114–328, div. A, title XII, §1246(a)–(c), (d)(1), (2)(B), Dec. 23, 2016, 130 Stat. 2520, 2521; Pub. L. 115–232, div. A, title XII, §1210, Aug. 13, 2018, 132 Stat. 2023; Pub. L. 116–92, div. A, title XVII, §1731(a)(16), Dec. 20, 2019, 133 Stat. 1813.)

Editorial Notes

CODIFICATION

Text of section, as added by Pub. L. 114–328, is based on text of subsecs. (a) to (g) of section 1205 of Pub. L. 113–66, div. A, title XII, Dec. 26, 2013, 127 Stat. 897, as amended, which was formerly set out as a note under section 107 of Title 32, National Guard, prior to repeal by Pub. L. 114–328, div. A, title XII, §1246(e), Dec. 23, 2016, 130 Stat. 2521.

AMENDMENTS

2019—Subsec. (e)(2)(A). Pub. L. 116–92 inserted period at end.

2018—Subsec. (b)(2). Pub. L. 115–232 inserted ''assistance'' after ''any''.

2016—Subsec. (b). Pub. L. 114–328, §1246(b), substituted ''Limitations'' for ''Limitation'' in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, and added par. (2).

Subsec. (d). Pub. L. 114–328, §1246(c)(1), added subsec. (d) and struck out former subsec. (d) which required the Secretary of Defense to prescribe regulations to carry out this section and to notify Congress.

Subsec. (f). Pub. L. 114–328, §1246(d)(2)(B), redesignated subsec. (g) as (f) and struck out former subsec. (f) which required annual reports for fiscal years 2016, 2017, and 2018.

Pub. L. 114–328, §1246(d)(1)(A), substituted ''Annual Reports'' for ''Reports and Notifications'' in subsec. heading, added par. (1) and struck out former par. (1) which related to a review and report of programs under the State Partnership Program as in effect on Dec. 26, 2013, redesignated par. (2)(B) as par. (2), substituted ''Matters to be included'' for ''Annual report'' in par. (2) heading, and struck out former par. (2)(A) which required reports on activities under programs established under subsec. (a).

Subsec. (f)(2). Pub. L. 114–328, §1246(d)(1)(B)(i), redesignated cls. (i) to (vi) of former par. (2)(B) as subpars. (A) to (F), respectively, of par. (2) and realigned margins.

Subsec. (f)(2)(F). Pub. L. 114–328, §1246(d)(1)(B)(ii), substituted ''subparagraph (E)'' for ''clause (v)''.

Subsec. (g). Pub. L. 114–328, §1246(d)(2)(B)(ii), redesignated subsec. (g) as (f).

Pub. L. 114–328, §1246(c)(2), substituted ''under title 10 as in effect on December 26, 2013.'' for ''under title 10, United States Code, as in effect on the date of the enactment of this Act.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114–328, div. A, title XII, §1246(d)(2), Dec. 23, 2016, 130 Stat. 2521, provided that the amendment made by section 1246(d)(2)(B) is effective as of Jan. 1, 2020.

§ 342. Regional Centers for Security Studies

(a) IN GENERAL.—The Secretary of Defense shall administer the Department of Defense Regional Centers for Security Studies in accordance with this section as international venues for bilateral and multilateral research, communication, exchange of ideas, and training involving military and civilian participants.

(b) REGIONAL CENTERS SPECIFIED.—(1) A Department of Defense Regional Center for Security Studies is a Department of Defense institution that—

(A) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

(B) serves as a forum for bilateral and multilateral research, communication, exchange of ideas, and training involving military and civilian participants.

(2) The Department of Defense Regional Centers for Security Studies are the following:

(A) The George C. Marshall European Center for Security Studies, established in 1993 and located in Garmisch-Partenkirchen, Germany.

(B) The Daniel K. Inouye Asia-Pacific Center for Security Studies, established in 1995 and located in Honolulu, Hawaii.

(C) The William J. Perry Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.

(D) The Africa Center for Strategic Studies, established in 1999 and located in Washington, D.C.

(E) The Near East South Asia Center for Strategic Studies, established in 2000 and located in Washington, D.C.

(F) The Ted Stevens Center for Arctic Security Studies, established in 2021 and located in Anchorage, Alaska.

(3) No institution or element of the Department of Defense may be designated as a Department of Defense Regional Center for Security Studies for purposes of this section, other than the institutions specified in paragraph (2).

(c) REGULATIONS.—The administration of the Regional Centers under this section shall be carried out under regulations prescribed by the Secretary. The regulations shall prioritize within the respective areas of focus of each Regional Center the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.

(d) PARTICIPATION.—Participants in activities of the Regional Centers may include United States and foreign military, civilian, and nongovernmental personnel.

(e) EMPLOYMENT AND COMPENSATION OF FACULTY.—At each Regional Center, the Secretary may, subject to the availability of appropriations—

(1) employ a Director, a Deputy Director, and as many civilians as professors, instructors, and lecturers as the Secretary considers necessary; and

(2) prescribe the compensation of such persons, in accordance with Federal guidelines.

(f) PAYMENT OF COSTS.—(1) Participation in activities of a Regional Center shall be on a reimbursable basis (or by payment in advance), except in a case in which reimbursement is waived in accordance with paragraph (3).

(2) For a foreign national participant, payment of costs may be made by the participant, the participant's own government, by a Department or agency of the United States other than the Department of Defense, or by a gift or donation on behalf of one or more Regional Centers accepted under section 2611 of this title on behalf of the participant's government.

(3)(A) The Secretary of Defense may waive reimbursement of the costs of activities of the Regional Centers for foreign military officers and foreign defense and security personnel from a developing country if the Secretary determines that attendance of such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available to the Regional Centers.

(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interest of the United States.

(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed $1,000,000.

(4) Funds accepted for the payment of costs shall be credited to the appropriation then currently available to the Department of Defense for the Regional Center that incurred the costs. Funds so credited shall be merged with the appropriation to which credited and shall be available to that Regional Center for the same purposes and same period as the appropriation with which merged.

(5) Funds available for the payment of personnel expenses under section 312 of this title are also available for the costs of the operation of the Regional Centers.

(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.

(g) SUPPORT TO OTHER AGENCIES.—The Director of a Regional Center may enter into agreements with the Secretaries of the military departments, the heads of the Defense Agencies, and, with the concurrence of the Secretary of Defense, the heads of other Federal departments and agencies for the provision of services by that Regional Center under this section. Any such participating department and agency shall transfer to the Regional Center funds to pay the full costs of the services received.

(h) AUTHORITIES SPECIFIC TO MARSHALL CENTER.—(1) The Secretary of Defense may author-

ize participation by a European or Eurasian country in programs of the George C. Marshall Center for Security Studies (in this subsection referred to as the ''Marshall Center'') if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.

(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.

(j) ANNUAL REVIEW OF PROGRAM STRUCTURE AND PROGRAMS OF CENTERS.—(1) The Secretary shall on an annual basis review the program and structure of each Regional Center in order to determine whether such Regional Center is appropriately aligned with the strategic priorities of the Department of Defense and the applicable geographic combatant commands.

(2) The Secretary may revise the program, structure, or both of a Regional Center following an annual review under paragraph (1) in order to more appropriately align the Regional Center with strategic priorities and the geographic combatant commands as described in that paragraph.

(Added Pub. L. 106–398, §1 [[div. A], title IX, §912(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–228, §184; amended Pub. L. 107–107, div. A, title X, §1048(c)(2), Dec. 28, 2001, 115 Stat. 1226; Pub. L. 108–136, div. A, title IX, §931(b)(2), Nov. 24, 2003, 117 Stat. 1581; Pub. L. 109–163, div. A, title IX, §903(b), Jan. 6, 2006, 119 Stat. 3399; Pub. L. 109–364, div. A, title IX, §904(a)(1), Oct. 17, 2006, 120 Stat. 2351; Pub. L. 110–417, [div. A], title IX, §941(a)(1), Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111–84, div. A, title X, §1073(a)(3), Oct. 28, 2009, 123 Stat. 2472; Pub. L. 112–81, div. A, title X, §1061(2), Dec. 31, 2011, 125 Stat. 1583; Pub. L. 112–239, div. B, title XXVIII, §2854(b)(1), Jan. 2, 2013, 126 Stat. 2161; Pub. L. 113–291, div. B, title XXVIII, §2861(b)(1), Dec. 19, 2014, 128 Stat. 3715; renumbered §342 and amended Pub. L. 114–328, div. A, title XII, §1241(e)(1)–(4), Dec. 23, 2016, 130 Stat. 2505, 2506; Pub. L. 115–91, div. A, title X, §1081(a)(17), Dec. 12, 2017, 131 Stat. 1595; Pub. L. 117–81, div. A, title X, §1082(a), Dec. 27, 2021, 135 Stat. 1922.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(2)(F). Pub. L. 117–81 added subpar. (F).

2017—Subsec. (j)(2). Pub. L. 115–91 struck out second period at end.

2016—Pub. L. 114–328, §1241(e)(1), renumbered section 184 of this title as this section.

Subsec. (a). Pub. L. 114–328, §1241(e)(2)(A), substituted ''exchange of ideas, and training'' for ''and exchange of ideas''.

Subsec. (b)(1)(B). Pub. L. 114–328, §1241(e)(2)(B)(i), substituted ''exchange of ideas, and training'' for ''and exchange of ideas''.

Subsec. (b)(3). Pub. L. 114–328, §1241(e)(2)(B)(ii), struck out '', except as specifically provided by law after October 17, 2006'' before period at end.

Subsec. (c). Pub. L. 114–328, §1241(e)(2)(C), inserted at end ''The regulations shall prioritize within the respective areas of focus of each Regional Center the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.''

Subsec. (f)(3). Pub. L. 114–328, §1241(e)(2)(D)(i), designated existing provisions as subpar. (A), substituted ''security personnel'' for ''security civilian government officials'', and added subpar. (B).

Subsec. (f)(5). Pub. L. 114–328, §1241(e)(2)(D)(ii), substituted ''under section 312 of this title are also available for the costs of the operation of the Regional Centers.'' for ''under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the William J. Perry Center for Hemispheric Defense Studies.''

Subsecs. (h), (i). Pub. L. 114–328, §1241(e)(3), added subsecs. (h) and (i).

Subsec. (j). Pub. L. 114–328, §1241(e)(4), added subsec. (j).

2014—Subsec. (b)(2)(B). Pub. L. 113–291 substituted ''Daniel K. Inouye Asia-Pacific Center for Security Studies'' for ''Asia-Pacific Center for Security Studies''.

2013—Subsec. (b)(2)(C). Pub. L. 112–239, §2854(b)(1)(A), substituted ''The William J. Perry Center for Hemispheric Defense Studies'' for ''The Center for Hemispheric Defense Studies''.

Subsec. (f)(5). Pub. L. 112–239, §2854(b)(1)(B), substituted ''the William J. Perry Center for Hemispheric Defense Studies'' for ''the Center for Hemispheric Defense Studies''.

2011—Subsec. (h). Pub. L. 112–81 struck out subsec. (h) which required the Secretary of Defense to submit an annual report on the operation of the Regional Centers for security studies during the preceding fiscal year.

2009—Subsec. (b)(3). Pub. L. 111–84 substituted ''October 17, 2006'' for ''the date of the enactment of this section''.

2008—Subsec. (f)(6). Pub. L. 110–417 added par. (6).

2006—Pub. L. 109–364 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to notification to Congress of the establishment of new regional centers, annual report on the operation of such centers, and definition of ''regional center for security studies''.

Subsec. (b)(4). Pub. L. 109–163 substituted ''under section 2611 of this title.'' for ''under any of the following provisions of law:

''(A) Section 2611 of this title.

''(B) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892).

''(C) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2653; 10 U.S.C. 113 note).''

2003—Subsec. (b)(4). Pub. L. 108–136 struck out ''foreign'' before ''gifts''.

2001—Subsec. (a). Pub. L. 107–107 substituted ''October 30, 2000,'' for ''the date of the enactment of this section,'' in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–417, [div. A], title IX, § 941(a)(2), Oct. 14, 2008, 122 Stat. 4576, provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to programs and activities under [former] section 184 of title 10, United States Code (as so amended) [now 10 U.S.C. 342], that begin on or after that date.''

CONSORTIUM TO STUDY IRREGULAR WARFARE

Pub. L. 117–81, div. A, title II, § 222, Dec. 27, 2021, 135 Stat. 1600, provided that:

''(a) ESTABLISHMENT.—The Secretary of Defense may establish a research consortium of institutions of higher education to study irregular warfare and the responses to irregular threats.

''(b) PURPOSES.—The purposes of the consortium under subsection (a) are as follows:

''(1) To shape the formulation and application of policy through the conduct of research and analysis regarding irregular warfare.

''(2) To maintain open-source databases on issues relevant to understanding terrorism, irregular threats, and social and environmental change.

''(3) To serve as a repository for datasets regarding research on security, social change, and irregular threats developed by institutions of higher education that receive Federal funding.

''(4) To support basic research in social science on emerging threats and stability dynamics relevant to irregular threat problem sets.

''(5) To transition promising basic research—

''(A) to higher stages of research and development; and

''(B) into operational capabilities, as appropriate, by supporting applied research and developing tools to counter irregular threats.

''(6) To facilitate the collaboration of research centers of excellence relating to irregular threats to better distribute expertise to specific issues and scenarios regarding such threats.

''(7) To enhance educational outreach and teaching at professional military education schools to improve—

''(A) the understanding of irregular threats; and

''(B) the integration of data-based responses to such threats.

''(8) To support classified research when necessary in appropriately controlled physical spaces.

''(9) To support the work of a Department of Defense Functional Center for Security Studies in Irregular Warfare if such Center is established pursuant to section 1299L of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) [set out below].

''(10) To carry out such other research initiatives relating to irregular warfare and irregular threats as the Secretary of Defense determines appropriate.

''(c) PARTNERSHIPS.—If the Secretary of Defense establishes a research consortium under subsection (a), the Secretary shall encourage partnerships between the consortium and university-affiliated research centers and other research institutions, as appropriate.

''(d) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''

TED STEVENS CENTER FOR ARCTIC SECURITY STUDIES

Pub. L. 116–283, div. A, title X, § 1089, Jan. 1, 2021, 134 Stat. 3878, provided that:

''(a) PLAN REQUIRED.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan to establish a Department of Defense Regional Center for Security Studies for the Arctic.

''(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

''(A) A description of the benefits of establishing such a center, including the manner in which the establishment of such a center would benefit United States and Department of Defense interests in the Arctic region.

''(B) A description of the mission and purpose of such a center, including—

''(i) enhancing understanding of the dynamics and national security implications of an emerging Arctic region, including increased access for transit and maneuverability; and

''(ii) other specific policy guidance from the Office of the Secretary of Defense.

''(C) An analysis of suitable reporting relationships with the applicable combatant commands.

''(D) An assessment of suitable locations, which shall include an enumeration and valuation of criteria, which may include—

''(i) the proximity of a location to other academic institutions that study security implications with respect to the Arctic region;

''(ii) the proximity of a location to the designated lead for Arctic affairs of the United States Northern Command; and

''(iii) the proximity of a location to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region.

''(E) A description of the establishment and operational costs of such a center, including for—

''(i) military construction for required facilities;

''(ii) facility renovation;

''(iii) personnel costs for faculty and staff; and

''(iv) other costs the Secretary considers appropriate.

''(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic institutions that could reduce the costs described in accordance with subparagraph (E).

''(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

''(H) A description of potential courses and programs that such a center could carry out, including—

''(i) core, specialized, and advanced courses;

''(ii) potential planning workshops;

''(iii) seminars;

''(iv) confidence-building initiatives; and

''(v) academic research.

''(I) A description of any modification to title 10, United States Code, necessary for the effective operation of such a center.

''(3) FORM.—The plan required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by subsection (a), and subject to the availability of appropriations, the Secretary of Defense may establish and administer a Department of Defense Regional Center for Security Studies for the Arctic, to be known as the 'Ted Stevens Center for Arctic Security Studies', for the purpose described in section 342(a) of title 10, United States Code.

''(2) LOCATION.—Subject to a determination by the Secretary to establish the Ted Stevens Center for Arctic Security Studies under this section, the Center shall be established at a location determined suitable pursuant to subsection (a)(2)(D).''

FUNCTIONAL CENTER FOR SECURITY STUDIES IN IRREGULAR WARFARE

Pub. L. 116–283, div. A, title XII, §1299L, Jan. 1, 2021, 134 Stat. 4012, as amended by Pub. L. 117–263, div. A, title XII, §1204(c), Dec. 23, 2022, 136 Stat. 2830, provided that:

''(a) REPORT REQUIRED.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that assesses the merits and feasibility of establishing and administering a Department of Defense Functional Center for Security Studies in Irregular Warfare.

''(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

''(A) A description of the benefits to the United States, and the allies and partners of the United States, of establishing such a functional center, including the manner in which the establishment of such a functional center would enhance and sustain focus on, and advance knowledge and understanding of, matters of irregular warfare, including cybersecurity, nonstate actors, information operations, counterterrorism, stability operations, and the hybridization of such matters.

''(B) A detailed description of the mission and purpose of such a functional center, including applicable policy guidance from the Office of the Secretary of Defense.

''(C) An analysis of appropriate reporting and liaison relationships between such a functional center and—

''(i) the geographic and functional combatant commands;

''(ii) other Department of Defense stakeholders; and

''(iii) other government and nongovernment entities and organizations.

''(D) An enumeration and valuation of criteria applicable to the determination of a suitable location for such a functional center.

''(E) A description of the establishment and operational costs of such a functional center, including for—

''(i) military construction for required facilities;

''(ii) facility renovation;

''(iii) personnel costs for faculty and staff; and

''(iv) other costs the Secretary of Defense considers appropriate.

''(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations, existing regional centers, interagency facilities, and universities and other academic and research institutions that could reduce the costs described in subparagraph (E).

''(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

''(H) A description of potential courses and programs that such a functional center could carry out, including—

''(i) core, specialized, and advanced courses;

''(ii) planning workshops and structured after-action reviews or debriefs;

''(iii) seminars;

''(iv) initiatives on executive development, relationship building, partnership outreach, and any other matter the Secretary of Defense considers appropriate; and

''(v) focused academic research and studies in support of Department priorities.

''(I) A description of any modification to title 10, United States Code, or any other provision of law, necessary for the effective establishment and administration of such a functional center.

''(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—Not earlier than 30 days after the submittal of the report required by subsection (a), and subject to the availability of appropriated funds, the Secretary of Defense may establish and administer a Department of Defense Functional Center for Security Studies in Irregular Warfare.

''(2) LIMITATION.—No other institution or element of the Department may be designated as a Department of Defense functional center, except by an Act of Congress.

''(3) LOCATION.—The location of a Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be selected based on an objective, criteria-driven administrative or competitive award process.''

FRAMEWORK FOR OBTAINING CONCURRENCE FOR PARTICIPATION IN ACTIVITIES OF REGIONAL CENTERS FOR SECURITY STUDIES

Pub. L. 115–232, div. A, title XII, §1214, Aug. 13, 2018, 132 Stat. 2027, provided that: ''Not later than 120 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of Defense, with the concurrence of the Secretary of State, shall establish and submit to the appropriate congressional committees, as such term is defined in section 301(1) of title 10, United States Code, a Memorandum of Agreement or other arrangement setting forth a framework for the procedures required between the Department of Defense and the Department of State to obtain the concurrence of the Secretary of State, as required by law or policy, to allow non-defense and non-governmental personnel of friendly foreign countries to participate in activities of the Department of Defense Regional Centers for Security Studies.''

REDESIGNATION OF THE ASIA-PACIFIC CENTER FOR SECURITY STUDIES AS THE DANIEL K. INOUYE ASIA-PACIFIC CENTER FOR SECURITY STUDIES

Pub. L. 113–291, div. B, title XXVIII, §2861(a), Dec. 19, 2014, 128 Stat. 3715, provided that: ''The Department of Defense regional center for security studies known as the Asia-Pacific Center for Security Studies is hereby renamed the 'Daniel K. Inouye Asia-Pacific Center for Security Studies'.''

Pub. L. 113–291, div. B, title XXVIII, §2861(c), Dec. 19, 2014, 128 Stat. 3716, provided that: ''Any reference to the Department of Defense Asia-Pacific Center for Security Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Daniel K. Inouye Asia-Pacific Center for Security Studies.''

REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES

Pub. L. 112–239, div. B, title XXVIII, §2854(a), Jan. 2, 2013, 126 Stat. 2161, provided that: ''The Department of Defense regional center for security studies known as the Center for Hemispheric Defense Studies is hereby renamed the 'William J. Perry Center for Hemispheric Defense Studies' ''.

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.

(2) If Department of Defense facilities, equipment, or funds are used to support a multinational center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States share of the operating expenses of any multinational center of excellence in which the United States participates under this section.

(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational centers of excellence under this section, including the costs of expenses of such participants.

(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational centers of excellence under this section.

(d) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational centers of excellence under this section that are hosted by the Department.

(e) NOTIFICATION.—Not later than 30 days before the date on which the Secretary of Defense authorizes participation under subsection (a) in a new multinational center of excellence, the Secretary shall notify the congressional defense committees of such participation.

(f) MULTINATIONAL CENTER OF EXCELLENCE DEFINED.—In this section, the term ''multinational center of excellence'' means—

(1) an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

(A) enhance education and training;

(B) improve interoperability and capabilities;

(C) assist in the development of doctrine;

(D) validate concepts through experimentation;

(2) the European Centre of Excellence for Countering Hybrid Threats, established in 2017 and located in Helsinki, Finland; and

(3) the International Special Training Centre, established in 1979 and located in Pfullendorf, Germany.

(Added Pub. L. 110–417, [div. A], title XII, § 1232(a)(1), Oct. 14, 2008, 122 Stat. 4637, § 2350m; amended Pub. L. 112–239, div. A, title X, § 1076(f)(25), Jan. 2, 2013, 126 Stat. 1953; renumbered § 344 and amended Pub. L. 114–328, div. A, title XII, § 1241(g), Dec. 23, 2016, 130 Stat. 2507; Pub. L. 116–283, div. A, title XII, § 1206(a), Jan. 1, 2021, 134 Stat. 3912; Pub. L. 117–263, div. A, title XII, § 1203, Dec. 23, 2022, 136 Stat. 2826.)

Editorial Notes

AMENDMENTS

2022—Subsec. (f)(3). Pub. L. 117–263 added par. (3).

2021—Pub. L. 116–283, § 1206(a)(1)–(3), in section catchline, substituted ''multinational centers of excellence'' for ''multinational military centers of excellence'' and, in text, substituted ''multinational center of excellence'' for ''multinational military center of excellence'' and ''multinational centers of excellence'' for ''multinational military centers of excellence'' wherever appearing.

Subsec. (b)(1). Pub. L. 116–283, § 1206(a)(4), inserted ''or entered into by the Secretary of State,'' after ''Secretary of State,''.

Subsec. (e). Pub. L. 115–283, § 1206(a)(7), added subsec. (e). Former subsec. (e) redesignated (f).

Pub. L. 116–283, § 1206(a)(5)(B)–(F), substituted ''means—'' for ''means'', designated remainder of existing provisions as par. (1), redesignated former pars. (1) to (4) as subpars. (A) to (D), respectively, of par. (1) and realigned margins, and added par. (2).

Pub. L. 116–283, § 1206(a)(5)(A), substituted ''Multinational Center Of Excellence'' for ''Multinational Military Center of Excellence'' in heading.

Subsec. (f). Pub. L. 116–283, § 1206(a)(6), redesignated subsec. (e) as (f).

2016—Pub. L. 114–328, § 1241(g)(1), renumbered section 2350m of this title as this section.

Subsecs. (e), (f). Pub. L. 114–328, § 1241(g)(2), redesignated subsec. (f) as (e) and struck out former subsec. (e) which required the Secretary of Defense, not later than October 31 of each year, to submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

2013—Subsec. (e)(1). Pub. L. 112–239 substituted ''Not later than October 31 each year'' for ''Not later than October 31, 2009, and annually thereafter''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 110–417, [div. A], title XII, § 1232(c), Oct. 14, 2008, 122 Stat. 4639, provided that: ''The amendments made by this section [enacting this section] shall take effect on October 1, 2008.''

§ 345. Irregular Warfare Center and Regional Defense Fellowship Program

(a) AUTHORITIES.—

(1) IN GENERAL.—The Secretary of Defense may—

(A) operate and administer a Center for Strategic Studies in Irregular Warfare, to be known as the ''Irregular Warfare Center'', in accordance with the requirements described in subsection (c); and

(B) carry out a program, to be known as the ''Regional Defense Fellowship Program'', to provide for the education and training of foreign personnel described in paragraph (2) at military or civilian educational institutions, the Irregular Warfare Center, regional centers, conferences, seminars, or other training programs conducted for purposes of regional defense in connection with irregular warfare or combating terrorism.

(2) COVERED COSTS.—The Secretary may pay the following costs associated with exercising the authorities under this section:

(A) Costs of travel, subsistence, and similar personnel expenses of, and special compensation for—

(i) defense personnel of friendly foreign governments to attend activities of the Irregular Warfare Center or attend the Regional Defense Fellowship Program;

(ii) with the concurrence of the Secretary of State, other personnel of friendly foreign governments and non-governmental personnel to attend activities of the Irregular Warfare Center or attend the Regional Defense Fellowship Program; and

(iii) foreign personnel and United States Government personnel necessary for the administration and execution of the authorities under this section.

(B) Costs associated with the administration and operation of the Irregular Warfare Center, including costs associated with—

(i) research, communication, the exchange of ideas, curriculum development and review, and training of military and civilian participants of the United States and other countries, as the Secretary considers necessary; and

(ii) maintaining an international network of irregular warfare policymakers and practitioners to achieve the objectives of the Department of Defense and the Department of State.

(C) Costs associated with strategic engagement with alumni of the Regional Defense Fellowship Program to address Department of Defense objectives and planning on irregular warfare and combating terrorism topics.

(b) REGULATIONS FOR REGIONAL DEFENSE FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—The authorities granted to the Secretary of Defense under subsection (a)(1)(B) shall be carried out under regulations prescribed by the Secretary of Defense and the Secretary of State.

(2) ELEMENTS.—The regulations shall ensure that—

(A) the Secretary of Defense and the Secretary of State—

(i) jointly develop and plan activities under the program that—

(I) advance United States security cooperation objectives; and

(II) support theater security cooperation planning of the combatant commands; and

(ii) coordinate on the implementation of activities under the program;

(B) each of the Secretary of Defense and the Secretary of State designates an individual at the lowest appropriate level of the Department of Defense or the Department of State, as applicable, who shall be responsible for program coordination; and

(C) to the extent practicable, activities under the program are appropriately coordinated with, and do not duplicate or conflict with, activities under International Military Education and Training (IMET) authorities.

(3) SUBMITTAL TO CONGRESS.—Upon any update of the regulations, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a copy of the regulations as so updated, together with a description of the update.

(c) IRREGULAR WARFARE CENTER.—

(1) MISSION.—The mission of the Irregular Warfare Center shall be to serve as a central mechanism for developing the irregular warfare knowledge of the Department of Defense and advancing the understanding of irregular warfare concepts and doctrine, in collaboration with key partners and allies, by—

(A) coordinating and aligning Department education curricula, standards, and objectives related to irregular warfare;

(B) facilitating research on irregular warfare, strategic competition, and the role of the Department in supporting interagency activities relating to irregular warfare;

(C) engaging and coordinating with Federal departments and agencies and with academia, nongovernmental organizations, civil society, and international partners to discuss and coordinate efforts on security challenges in irregular warfare;

(D) developing curriculum and conducting training and education of military and civilian participants of the United States and other countries, as determined by the Secretary of Defense; and

(E) serving as a coordinating body and central repository for irregular warfare resources, including educational activities and programs, and lessons learned across components of the Department.

(2) EMPLOYMENT AND COMPENSATION OF FACULTY.—With respect to the Irregular Warfare Center—

(A) the Secretary of Defense may, subject to the availability of appropriations, employ a Director, a Deputy Director, and such civilians as professors, instructors, and lecturers, as the Secretary considers necessary; and

(B) compensation of individuals employed under this section shall be as prescribed by the Secretary.

(3) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—

(A) IN GENERAL.—In operating the Irregular Warfare Center, to promote integration throughout the United States Government and civil society across the full spectrum of irregular warfare competition and conflict challenges, the Secretary of Defense may partner with an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(B) TYPES OF PARTNERSHIPS.—The Secretary may establish a partnership under subparagraph (A) by—

(i) entering into an intergovernmental support agreement pursuant to section 2679 of this title; or

(ii) entering into a contract or cooperative agreement or awarding a grant through the Defense Security Cooperation University.

(C) DETERMINATION REQUIRED.—The Secretary of Defense shall make a determina-

tion with respect to the desirability of partnering with an institution of higher education in a Government-owned, contractor-operated partnership, such as the partnership structure used by the Department of Defense for University Affiliated Research Centers, for meeting the mission requirements of the Irregular Warfare Center.

(4) ROLES AND RESPONSIBILITIES.—The Secretary of Defense shall prescribe guidance for the roles and responsibilities of the relevant components of the Department of Defense in the administration, operation, and oversight of the Irregular Warfare Center, which shall include the roles and responsibilities of the following:

(A) The Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in policy oversight and governance structure of the Center.

(B) The Director of the Defense Security Cooperation Agency, as the Executive Agent in support of the operation of the Center.

(C) Any other official of the Department of Defense, as determined by the Secretary.

(d) LIMITATION.—The total amount of funds used under the authority in subsection (a)(1)(B) in any fiscal year may not exceed $35,000,000. Amounts available under the authority in subsection (a)(1)(B) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.

(e) ANNUAL REPORT.—Not later than December 1 of each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the administration of this section during the fiscal year ended in such year. The report shall include the following matters:

(1) A complete accounting of the expenditure of appropriated funds for purposes authorized under subsection (a), including—

(A) the countries of the foreign officers and officials for whom costs were paid; and

(B) for each such country, the total amount of the costs paid.

(2) The training courses attended by the foreign officers and officials, including a specification of which, if any, courses were conducted in foreign countries.

(3) An assessment of the effectiveness of the program referred to in subsection (a)(1)(B), including engagement activities for program alumni, in increasing the cooperation of the governments of foreign countries with the United States.

(4) A discussion of any actions being taken to improve the program, including a list of any unfunded or unmet training requirements and requests.

(5) A discussion and justification of how the program fits within the theater security priorities of each of the commanders of the geographic combatant commands.

(6) A discussion of how the training from the previous year incorporated lessons learned from ongoing conflicts.

(f) ANNUAL REVIEW OF IRREGULAR WARFARE CENTER.—Not later than December 1, 2024, and annually thereafter, the Secretary of Defense—

(1) shall conduct a review of the structure and activities of the Irregular Warfare Center to determine whether such structure and activities are appropriately aligned with the strategic priorities of the Department of Defense and the applicable combatant commands; and

(2) may, after an annual review under paragraph (1), revise the relevant structure and activities so as to more appropriately align such structure and activities with the strategic priorities and combatant commands.

(Added Pub. L. 108–136, div. A, title XII, § 1221(a)(1), Nov. 24, 2003, 117 Stat. 1651, § 2249c; amended Pub. L. 109–364, div. A, title XII, § 1204(a)–(d)(2), Oct. 17, 2006, 120 Stat. 2415; Pub. L. 110–417, [div. A], title XII, § 1209(a), Oct. 14, 2008, 122 Stat. 4627; Pub. L. 113–66, div. A, title X, § 1032(a), Dec. 26, 2013, 127 Stat. 850; renumbered § 345 and amended Pub. L. 114–328, div. A, title XII, § 1247(a)–(c), Dec. 23, 2016, 130 Stat. 2521; Pub. L. 115–232, div. A, title XII, § 1209(a), (b)(1), Aug. 13, 2018, 132 Stat. 2022, 2023; Pub. L. 117–263, div. A, title XII, § 1204(a), Dec. 23, 2022, 136 Stat. 2827.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, § 1204(a)(1), amended section catchline generally. Prior to amendment, section catchline read as follows: ''Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program''.

Subsec. (a). Pub. L. 117–263, § 1204(a)(2)(A), substituted ''Authorities'' for ''Program Authorized'' in heading.

Subsec. (a)(1). Pub. L. 117–263, § 1204(a)(2)(B), amended par. (1) generally. Prior to amendment, par. (1) authorized a program under which the Secretary of Defense could pay any costs for education, training, or other training programs conducted for purposes of regional defense in connection with combating terrorism or irregular warfare.

Subsec. (a)(2). Pub. L. 117–263, § 1204(a)(2)(C), (D), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: ''Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.''

Subsec. (a)(3). Pub. L. 117–263, § 1204(a)(2)(C), struck out par. (3). Text read as follows: ''The program authorized by this section shall be known as the 'Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program'.''

Subsec. (b). Pub. L. 117–263, § 1204(a)(3)(A), substituted ''Regulations for Regional Defense Fellowship Program'' for ''Regulations'' in heading.

Subsec. (b)(1). Pub. L. 117–263, § 1204(a)(3)(B), substituted ''The authorities granted to the Secretary of Defense under subsection (a)(1)(B)'' for ''The program authorized by subsection (a)''.

Subsec. (c). Pub. L. 117–263, § 1204(a)(5), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 117–263, § 1204(a)(4), (6), redesignated subsec. (c) as (d) and substituted ''subsection (a)(1)(B)'' for ''subsection (a)'' in two places. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 117–263, § 1204(a)(4), redesignated subsec. (d) as (e).

Subsec. (e)(3). Pub. L. 117–263, § 1204(a)(7)(A), substituted ''subsection (a)(1)(B)'' for ''subsection (a)''.

Subsec. (e)(6). Pub. L. 117–263, § 1204(a)(7)(B), added par. (6).

Subsec. (f). Pub. L. 117–263, § 1204(a)(8), added subsec. (f).

2018—Pub. L. 115–232, § 1209(b)(1), inserted ''and Irregular Warfare'' after ''Terrorism'' in section catchline.

Subsec. (a). Pub. L. 115–232, § 1209(a)(2), added subsec. (a) and struck out former subsec. (a). Prior to amend-

ment, text read as follows: ''Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense may be used to pay any costs associated with the education and training of foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Combating Terrorism Fellowship Program. Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.''

Subsecs. (b) to (d). Pub. L. 115–232, §1209(a)(1), (2), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (d)(3). Pub. L. 115–232, §1209(a)(3), struck out ''in the global war on terrorism'' after ''United States''.

2016—Pub. L. 114–328, §1247(a), (c), renumbered section 2249c of this title as this section and substituted ''Regional Defense Combating Terrorism Fellowship Program'' for ''Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials'' in section catchline.

Subsec. (c). Pub. L. 114–328, §1247(b), substituted ''to the appropriate committees of Congress'' for ''to Congress'' in introductory provisions.

2013—Subsec. (c)(3). Pub. L. 113–66, §1032(a)(1), inserted '', including engagement activities for program alumni,'' after ''subsection (a)''.

Subsec. (c)(4). Pub. L. 113–66, §1032(a)(2), inserted '', including a list of any unfunded or unmet training requirements and requests'' after ''program''.

Subsec. (c)(5). Pub. L. 113–66, §1032(a)(3), added par. (5).

2008—Subsec. (b). Pub. L. 110–417 substituted ''$35,000,000'' for ''$25,000,000''.

2006—Pub. L. 109–364, §1204(d)(2), substituted ''Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials'' for ''Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program'' in section catchline.

Subsec. (a). Pub. L. 109–364, §1204(a), substituted ''the education and training of foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Combating Terrorism Fellowship Program'' for ''the attendance of foreign military officers, ministry of defense officials, or security officials at United States military educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Counterterrorism Fellowship Program, including costs of transportation and travel and subsistence costs'' and inserted at end ''Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.''

Subsec. (b). Pub. L. 109–364, §1204(b), (c), substituted ''$25,000,000'' for ''$20,000,000'' and inserted at end ''Amounts available under the authority in subsection (a) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.''

Subsec. (c)(3). Pub. L. 109–364, §1204(d)(1), substituted ''program referred to in subsection (a)'' for ''Regional Defense Counterterrorism Fellowship Program''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113–66, div. A, title X, §1032(b), Dec. 26, 2013, 127 Stat. 850, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to a report submitted for a fiscal year beginning after the date of the enactment of this Act [Dec. 26, 2013].''

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–417, [div. A], title XII, §1209(b), Oct. 14, 2008, 122 Stat. 4627, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.''

REGULATIONS

Pub. L. 108–136, div. A, title XII, §1221(b), Nov. 24, 2003, 117 Stat. 1651, provided that: ''Not later than December 1, 2003, the Secretary of Defense shall—

''(1) prescribe the final regulations for carrying out section 2249c of title 10, United States Code, as added by subsection (a); and

''(2) notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and House of Representatives] of the prescription of such regulations.''

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c) 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.

§ 346. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign countries, the Secretary of Defense, with the concurrence of the Secretary of State, may—

(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

(1) Internet-based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign countries.

(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

(Added Pub. L. 110–417, [div. A], title XII, § 1205(a)(1), Oct. 14, 2008, 122 Stat. 4623, § 2249d; renumbered § 346 and amended Pub. L. 114–328, div. A, title XII, § 1241(h), Dec. 23, 2016, 130 Stat. 2507.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (d), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§ 2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

AMENDMENTS

2016—Pub. L. 114–328, § 1241(h)(1), renumbered section 2249d of this title as this section.

Subsecs. (a), (d). Pub. L. 114–328, § 1241(h)(2)(A), substituted ''countries'' for ''nations''.

Subsecs. (f), (g). Pub. L. 114–328, § 1241(h)(2)(B), struck out subsecs. (f) and (g) which, respectively, required the Secretary of Defense to submit annual reports to the appropriate committees of Congress and defined ''appropriate committees of Congress''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 110–417, [div. A], title XII, § 1205(d), Oct. 14, 2008, 122 Stat. 4625, provided that: ''This section [enacting this section and provisions set out as notes under this section] and the amendments made by this section shall take effect on October 1, 2008.''

AUTHORITY TO PROVIDE MISSION TRAINING THROUGH DISTRIBUTED SIMULATION

Pub. L. 118–31, div. A, title XII, § 1210, Dec. 22, 2023, 137 Stat. 449, provided that:

''(a) AUTHORITY FOR TRAINING AND DISTRIBUTION.—To enhance the interoperability and integration between the United States Armed Forces and the military forces of friendly foreign countries, effective beginning on the date that is 30 days after the date on which the Secretary of Defense submits the report required by subsection (d), the Secretary of Defense, with the concurrence of the Secretary of State, is authorized—

''(1) to provide to military personnel of a friendly foreign country persistent advanced networked training and exercise activities (in this section referred to as 'mission training through distributed simulation'); and

''(2) to provide information technology related to mission training through distributed simulation, including hardware and computer software developed for such activities.

''(b) SCOPE OF MISSION TRAINING.—Mission training through distributed simulation provided under subsection (a) may include advanced distributed network training events and computer-assisted exercises.

''(c) GUIDANCE ON USE OF AUTHORITY.—Not later than 120 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority provided in this section.

''(d) REPORT.—

''(1) IN GENERAL.—The Secretary of Defense shall submit to the appropriate committees of Congress a report on the anticipated use of mission training through distributed simulation by military personnel of friendly foreign countries.

''(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

''(A) A description of anticipated mission training through distributed simulation activities between the United States Armed Forces and the military forces of friendly foreign countries.

''(B) A description of the current capabilities of the military forces of friendly foreign countries to support mission training through distributed simulation activities with the United States Armed Forces.

''(C) A description of the manner in which the Department intends to use mission training through distributed simulation activities to support implementation of the National Defense Strategy, including in areas of responsibility of the United States European Command and the United States Indo-Pacific Command.

''(D) Any recommendation of the Secretary of Defense for legislative proposals or policy guidance regarding the use of mission training through distributed simulation activities.

''(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

''(e) SUNSET.—The authority provided in this section shall terminate on December 31, 2025.''

GUIDANCE ON UTILIZATION OF AUTHORITY

Pub. L. 110–417, [div. A], title XII, § 1205(b), Oct. 14, 2008, 122 Stat. 4624, provided that:

''(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) [now 346(e)] of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

''(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) [now 346(e)] of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.''

§ 347. International engagement authorities for service academies

(a) SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.—

(1) ATTENDANCE AUTHORIZED.—

(A) IN GENERAL.—The Secretary of each military department may permit persons from foreign countries to receive instruction at the Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

(i) in the case of the United States Military Academy, the authorized strength of the Corps of the Cadets of the Academy under section 7442 of this title;

(ii) in the case of the United States Naval Academy, the authorized strength of

the Brigade of Midshipmen of the Academy under section 8454 of this title; and

(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under section 9442 of this title.

(B) LIMITATION ON NUMBER.—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 80 at any one time.

(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTED.—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

(A) the countries from which persons may be selected for appointment under this subsection to the Service Academy under the jurisdiction of that Secretary; and

(B) the number of persons that may be selected from each country.

(3) QUALIFICATIONS AND SELECTION.—The Secretary of each military department—

(A) may establish entrance qualifications and methods of competition for selection among individual applicants under this subsection; and

(B) shall select those persons who will be permitted to receive instruction at the Service Academy under the jurisdiction of the Secretary under this subsection.

(4) SELECTION PRIORITY TO PERSONS WITH NATIONAL SERVICE OBLIGATION UPON GRADUATION.—In selecting persons to receive instruction under this subsection from among applicants from the countries approved under paragraph (2), the Secretary of the military department concerned shall give a priority to persons who have a national service obligation to their countries upon graduation from the Service Academy concerned.

(5) PAY, ALLOWANCES, AND EMOLUMENTS OF PERSONS ADMITTED.—A person receiving instruction under this subsection is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE ADMITTED.—

(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a cadet or midshipman is permitted to receive instruction at one of the Service Academies under this subsection shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (5). The Secretaries of the military departments shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet or midshipman appointed from the United States.

(B) WAIVER AUTHORITY.—The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet or midshipman under subparagraph (A). In the case of a partial waiver, the Secretary of Defense shall establish the amount waived.

(7) APPLICABILITY OF ACADEMY REGULATIONS, ETC.—

(A) IN GENERAL.—Except as the Secretary of the military department concerned determines, a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet or midshipman at that Academy appointed from the United States.

(B) CLASSIFIED INFORMATION.—The Secretary of the military department concerned may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary that differ from the regulations that apply to a cadet or midshipman at that Academy appointed from the United States.

(8) INELIGIBILITY FOR APPOINTMENT IN THE UNITED STATES ARMED FORCES.—A person receiving instruction at a Service Academy under this subsection is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

(9) INAPPLICABILITY OF REQUIREMENT FOR TAKING OATH OF ADMISSION.—A person receiving instruction under this subsection is not subject to section 7446(d), 8458(d), or 9446(d) of this title, as the case may be.

(b) EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.—

(1) EXCHANGE PROGRAMS AUTHORIZED.—The Secretary of a military department may permit a student enrolled at a military academy of a foreign country to receive instruction at the Service Academy under the jurisdiction of that Secretary in exchange for a cadet or midshipman receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. A student receiving instruction at a Service Academy under the exchange program under this subsection shall be in addition to persons receiving instruction at the Academy under subsection (a).

(2) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this subsection between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets or midshipmen from each Service Academy and a comparable number of students from foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at a Service Academy.

(3) COSTS AND EXPENSES.—

(A) NO PAY AND ALLOWANCES.—A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet or midshipman by reason of attendance at a Service Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

(B) SUBSISTENCE, TRANSPORTATION, ETC.—The Secretary of the military department concerned may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet or midshipman in that foreign country.

(C) SOURCE OF FUNDS.—A Service Academy shall bear all costs of the exchange program from funds appropriated for that Academy and from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

(D) LIMITATION ON EXPENDITURES.—Expenditures in support of the exchange program from funds appropriated for each Academy may not exceed $1,000,000 during any fiscal year.

(4) APPLICATION OF OTHER LAWS.—Paragraphs (7), (8), and (9) of subsection (a) shall apply with respect to a student enrolled at a military academy of a foreign country while attending a Service Academy under the exchange program.

(5) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations to implement this subsection. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

(c) FOREIGN AND CULTURAL EXCHANGE ACTIVITIES.—

(1) ATTENDANCE AUTHORIZED.—The Secretary of a military department may authorize the Service Academy under the jurisdiction of that Secretary to permit students, officers, and other representatives of a foreign country to attend that Academy for periods of not more than four weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross-cultural interactions and understanding, and cultural immersion of cadets or midshipmen, as the case may be.

(2) EFFECT OF ATTENDANCE.—Persons attending a Service Academy under paragraph (1) are not considered to be students enrolled at that Academy and are in addition to persons receiving instruction at that Academy under subsection (a) or (b).

(3) FINANCIAL MATTERS.—

(A) COSTS AND EXPENSES.—The Secretary of a military department may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Service Academy under the jurisdiction of that Secretary under paragraph (1).

(B) SOURCE OF FUNDS.—Each Service Academy shall bear the costs of the attendance of persons at that Academy under paragraph (1) from funds appropriated for that Academy and from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

(C) LIMITATION ON EXPENDITURES.—Expenditures from appropriated funds in support of activities under this subsection for any Service Academy may not exceed $40,000 during any fiscal year.

(d) SERVICE ACADEMY DEFINED.—In this section, the term ''Service Academy'' means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(Added Pub. L. 114–328, div. A, title XII, § 1248(a), Dec. 23, 2016, 130 Stat. 2522; amended Pub. L. 115–91, div. A, title X, § 1081(a)(18), Dec. 12, 2017, 131 Stat. 1595; Pub. L. 115–232, div. A, title VIII, § 809(a), title XII, § 1204(c)(1)(D), Aug. 13, 2018, 132 Stat. 1840, 2017; Pub. L. 118–159, div. A, title V, § 551, Dec. 23, 2024, 138 Stat. 1893.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 4344 to 4345a, 6957 to 6957b, and 9344 to 9345a, prior to repeal by Pub. L. 114–328.

AMENDMENTS

2024—Subsec. (a)(1)(B). Pub. L. 118–159 substituted ''80'' for ''60''.

2018—Subsec. (a)(1)(A)(i). Pub. L. 115–232, § 809(a), substituted ''section 7442'' for ''section 4342''.

Subsec. (a)(1)(A)(ii). Pub. L. 115–232, § 809(a), substituted ''section 8454'' for ''section 6954''.

Subsec. (a)(1)(A)(iii). Pub. L. 115–232, § 809(a), substituted ''section 9442'' for ''section 9342''.

Subsec. (a)(7). Pub. L. 115–232, § 1204(c)(1)(D)(i), substituted ''etc.'' for ''etc..'' in heading.

Subsec. (a)(9). Pub. L. 115–232, § 809(a), substituted ''section 7446(d), 8458(d), or 9446(d)'' for ''section 4346(d), 6958(d), or 9346(d)''.

Subsec. (b)(3)(B). Pub. L. 115–232, § 1204(c)(1)(D)(ii), substituted ''etc'' for ''etc.'' in heading.

2017—Subsec. (a)(1)(A)(i), (iii). Pub. L. 115–91 inserted ''section'' after ''Academy under''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 809(a) of Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

§ 348. Aviation Leadership Program

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of

the Air Force may carry out an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training under this section shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

(b) SUPPLIES AND CLOTHING.—(1) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this section—

(A) transportation incident to the training;

(B) supplies and equipment to be used during the training;

(C) flight clothing and other special clothing required for the training; and

(D) billeting, food, and health services.

(2) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this section.

(c) ALLOWANCES.—The Secretary of the Air Force may pay to a person receiving training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.

(Added Pub. L. 114–328, div. A, title XII, §1241(i)(1), Dec. 23, 2016, 130 Stat. 2507.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in chapter 905 of this title prior to repeal by Pub. L. 114–328.

Statutory Notes and Related Subsidiaries

CONGRESSIONAL FINDINGS

Pub. L. 103–160, div. A, title XI, §1178(a), Nov. 30, 1993, 107 Stat. 1768, provided that: ''The Congress finds the following:

''(1) The training in the United States of pilots from the air forces of friendly foreign nations furthers the interests of the United States, promotes closer relations with such nations, and advances the national security.

''(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training.

''(3) It is in the interest of the United States that the Secretary of the Air Force establish a program to train in the United States pilots from the air forces of friendly, less developed foreign nations.''

§ 349. Inter-American Air Forces Academy

(a) OPERATION.—The Secretary of the Air Force may operate the Air Force education and training facility known as the Inter-American Air Forces Academy for the purpose of providing military education and training to military personnel of Central and South American countries, Caribbean countries, and other countries eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

(b) LIMITATIONS.—

(1) CONCURRENCE OF SECRETARY OF STATE.—Military personnel of a foreign country may be provided education and training under this section only with the concurrence of the Secretary of State.

(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—Education and training may not be provided under this section to the military personnel of any country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(c) COSTS.—The fixed costs of operating and maintaining the Inter-American Air Forces Academy may be paid from funds available for operation and maintenance of the Air Force.

(Added Pub. L. 101–510, div. A, title III, §330(a), Nov. 5, 1990, 104 Stat. 1535, §9415; renumbered §349 and amended Pub. L. 114–328, div. A, title XII, §1241(j), Dec. 23, 2016, 130 Stat. 2508.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 5 of part II of such Act is classified generally to part V of subchapter II (§2347 et seq.) of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

AMENDMENTS

2016—Pub. L. 114–328, §1241(j)(1), renumbered section 9415 of this title as this section.

Subsecs. (b), (c). Pub. L. 114–328, §1241(j)(2), added subsec. (b) and redesignated former subsec. (b) as (c).

§ 350. Inter-European Air Forces Academy

(a) OPERATION.—The Secretary of the Air Force may operate the Air Force education and training facility known as the Inter-European Air Forces Academy (in this section referred to as the ''Academy'').

(b) PURPOSE.—The purpose of the Academy shall be to provide military education and training to military personnel of countries that are—

(1) members of the North Atlantic Treaty Organization;

(2) signatories to the Partnership for Peace Framework Documents; or

(3)(A) within the United States Africa Command area of responsibility; and

(B) eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

(c) LIMITATIONS.—

(1) CONCURRENCE OF SECRETARY OF STATE.—Military personnel of a country may be provided education and training under this section only with the concurrence of the Secretary of State.

(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—Education and training may not be provided under this section to the military personnel of any country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) SUPPLIES AND CLOTHING.—The Secretary of the Air Force may, under such conditions as the

Secretary may prescribe, provide to a person receiving education and training under this section the following:

(1) Transportation incident to such education and training.

(2) Supplies and equipment to be used during such education and training.

(3) Billeting, food, and health services in connection with the receipt of such education and training.

(e) LIVING ALLOWANCE.—The Secretary of the Air Force may pay to a person receiving education and training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the rates of living allowances authorized for a member of the Armed Forces under similar circumstances.

(f) FUNDING.—Amounts for the operations and maintenance of the Academy, and for the provision of education and training through the Academy, may be paid from funds available for the Air Force for operation and maintenance.

(Added Pub. L. 114–328, div. A, title XII, § 1241(k)(1), Dec. 23, 2016, 130 Stat. 2508; amended Pub. L. 116–283, div. A, title XII, § 1205, Jan. 1, 2021, 134 Stat. 3912.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(3)(B), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 5 of part II of the Act is classified generally to part V (§ 2347 et seq.) of subchapter II of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

CODIFICATION

Text of section, as added by Pub. L. 114–328, is based on text of subsecs. (a) to (f) of section 1268 of Pub. L. 113–291, div. A, title XII, Dec. 19, 2014, 128 Stat. 3585, which was formerly set out as a note under section 9411 of this title, prior to repeal by Pub. L. 114–328, div. A, title XII, § 1241(k)(2), Dec. 23, 2016, 130 Stat. 2509.

AMENDMENTS

2021—Subsec. (b). Pub. L. 116–283 substituted ''that are—'' for ''that are members of the North Atlantic Treaty Organization or signatories to the Partnership for Peace Framework Documents.'' and added pars (1) to (3).

§ 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.

(3) A memorandum of understanding entered into under paragraph (1) shall also include a curriculum and a plan for academic program development.

(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 for developing countries (as such term is defined in section 301 of this title) 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.

(Added Pub. L. 115–232, div. A, title XII, § 1207(a), Aug. 13, 2018, 132 Stat. 2019.)

Editorial Notes

PRIOR PROVISIONS

A prior section 351 was renumbered section 261 of this title.

§ 352. Naval Small Craft Instruction and Technical Training School

(a) IN GENERAL.—The Secretary of Defense may operate an education and training facility known as the ''Naval Small Craft Instruction and Technical Training School'' (in this section referred to as the ''School'').

(b) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall 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.

(c) PURPOSE.—The purpose of the School shall be to provide to the military and other security forces of one or more friendly foreign countries education and training under any other provision of law related to naval small craft instruction and training and to increase professionalism, readiness, and respect for human rights through formal courses of instruction or mobile training teams for—

(1) the operation, employment, maintenance, and logistics of specialized equipment;

(2) participation in—

(A) joint exercises; or

(B) coalition or international military operations; and

(3) improved interoperability between—

(A) the armed forces; and

(B) the military and other security forces of the one or more friendly foreign countries.

(d) LIMITATION ON PERSONNEL ELIGIBLE TO RECEIVE EDUCATION AND TRAINING.—The Secretary of Defense may not provide education or training at the School to any personnel of a country that is prohibited from receiving such education or training under any other provision of law.

(e) COSTS.—(1) The fixed costs of the School may be paid from amounts made available for the Navy as follows:

(A) The costs of operating and maintaining the School may be paid from amounts made available to the Navy for operation and maintenance.

(B) The costs of the equipment requirements of the School may be paid from amounts made available to the Navy for procurement.

(C) The costs of the facilities construction requirements of the School may be paid from amounts made available to the Navy for military construction.

(2) The food procurement and service costs of the School that may be paid from amounts made available to the Navy for operation and maintenance are as follows:

(A) The costs of providing food services to personnel, visitors, and international students at the School.

(B) The costs of operating, maintaining, and sustaining a dining facility or contracted food services at the School.

(f) ANNUAL REPORT.—Not later than March 15 each year, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a detailed report on the activities and operating costs of the School during the preceding fiscal year.

(Added Pub. L. 115–232, div. A, title XII, § 1208(a)(1), Aug. 13, 2018, 132 Stat. 2021; amended Pub. L. 118–159, div. A, title XII, § 1202(a), Dec. 23, 2024, 138 Stat. 2093.)

Editorial Notes

AMENDMENTS

2024—Subsec. (e). Pub. L. 118–159 amended subsec. (e) generally. Prior to amendment, text read as follows: ''The fixed costs of operation and maintenance of the School in a fiscal year may be paid from amounts made available for such fiscal year for operation and maintenance of the Department of Defense.''

Statutory Notes and Related Subsidiaries

UPDATES REQUIRED

Pub. L. 118–159, div. A, title XII, § 1202(b), Dec. 23, 2024, 138 Stat. 2093, provided that: ''Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall update the Security Assistance Management Manual (DSCA 5105.38–M) and volume 15 of the Department of Defense Financial Management Regulation (DoD 7000.14–R) in accordance with the amendment made by this section [amending this section].''

LIMITATION ON USE OF FUNDS

Pub. L. 115–232, div. A, title XII, § 1208(c), Aug. 13, 2018, 132 Stat. 2022, provided that:

''(1) IN GENERAL.—Nothing in section 352 of title 10, United States Code (as so added), may be construed as authorizing the use of funds appropriated for the Department of Defense for any purpose described in paragraph (2) unless specifically authorized by an Act of Congress other than that section or this Act [see Tables for classification].

''(2) PURPOSES.—The purposes described in this paragraph are the following:

''(A) The operation of a facility other than the Naval Small Craft Instruction and Technical Training School that is in operation as of the date of the enactment of this Act [Aug. 13, 2018] for the provision of education and training authorized to be provided by the School.

''(B) The construction or expansion of any facility of the School.''

SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS

Sec.
361. Prohibition on providing financial assistance to terrorist countries.
362. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

§ 361. Prohibition on providing financial assistance to terrorist countries

(a) PROHIBITION.—Funds available to the Department of Defense may not be obligated or expended to provide financial assistance to—

(1) any country with respect to which the Secretary of State has made a determination under section 6(j)(1)(A)[1] of the Export Administration Act of 1979 (50 U.S.C. 4605(j)(1)(A));

(2) any country identified in the latest report submitted to Congress under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as providing significant support for international terrorism; or

(3) any other country that, as determined by the President—

(A) grants sanctuary from prosecution to any individual or group that has committed an act of international terrorism; or

(B) otherwise supports international terrorism.

(b) WAIVER.—(1) The President may waive the application of subsection (a) to a country if the President determines—

(A) that it is in the national security interests of the United States to do so; or

(B) that the waiver should be granted for humanitarian reasons.

(2) The President shall—

(A) notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives at least 15 days before the waiver takes effect; and

(B) publish a notice of the waiver in the Federal Register.

(c) DEFINITION.—In this section, the term ''international terrorism'' has the meaning given that term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).

(Added Pub. L. 104–106, div. A, title XIII, § 1341(a), Feb. 10, 1996, 110 Stat. 485, § 2249a; amended Pub. L. 105–85, div. A, title X, § 1073(a)(40), Nov. 18, 1997, 111 Stat. 1902; Pub. L. 106–65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; renumbered § 361 and amended Pub. L. 114–328, div. A, title X, § 1081(b)(3)(B), title XII, § 1241(*l*)(1), Dec. 23, 2016, 130 Stat. 2418, 2509.)

Editorial Notes

REFERENCES IN TEXT

Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)(1)(A)), referred to in subsec. (a)(1), was repealed by Pub. L. 115–232, div. A, title XVII, § 1766(a), Aug. 13, 2018, 132 Stat. 2232. For similar provisions, see section 4813(c)(1)(A)(i) of Title 50, War and National Defense, as enacted by Pub. L. 115–232.

AMENDMENTS

2016—Pub. L. 114–328, § 1241(*l*)(1), renumbered section 2249a of this title as this section.

Subsec. (a)(1). Pub. L. 114–328, § 1081(b)(3)(B), substituted ''(50 U.S.C. 4605(j)(1)(A))'' for ''(50 U.S.C. App. 2405(j)(1)(A))''.

[1] See References in Text note below.

1999—Subsec. (b)(2)(A). Pub. L. 106–65 substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security''.

1997—Subsec. (a)(1). Pub. L. 105–85 substituted ''50 U.S.C. App. 2405(j)(1)(A)'' for ''50 App. 2405(j)''.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 362. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights

(a) IN GENERAL.—(1) Of the amounts made available to the Department of Defense, none may be used for any training, equipment, or other assistance for a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.

(2) The Secretary of Defense shall, in consultation with the Secretary of State, ensure that prior to a decision to provide any training, equipment, or other assistance to a unit of a foreign security force full consideration is given to any credible information available to the Department of State relating to human rights violations by such unit.

(b) EXCEPTION.—The prohibition in subsection (a)(1) shall not apply if the Secretary of Defense, after consultation with the Secretary of State, determines that the government of such country has taken all necessary corrective steps, or if the equipment or other assistance is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a)(1) if the Secretary determines that the waiver is required by extraordinary circumstances.

(d) PROCEDURES.—The Secretary of Defense shall establish, and periodically update, procedures to ensure that any information in the possession of the Department of Defense about gross violations of human rights by units of foreign security forces is shared on a timely basis with the Department of State.

(e) REPORT.—Not later than 15 days after the application of any exception under subsection (b) or the exercise of any waiver under subsection (c), the Secretary of Defense shall submit to the appropriate committees of Congress a report—

(1) in the case of an exception under subsection (b), providing notice of the use of the exception and stating the grounds for the exception; and

(2) in the case of a waiver under subsection (c), describing—

(A) the information relating to the gross violation of human rights;

(B) the extraordinary circumstances that necessitate the waiver;

(C) the purpose and duration of the training, equipment, or other assistance; and

(D) the United States forces and the foreign security force unit involved.

(Added Pub. L. 113–291, div. A, title XII, § 1204(a)(1), Dec. 19, 2014, 128 Stat. 3531, § 2249e; renumbered § 362 and amended Pub. L. 114–328, div. A, title XII, § 1241(*l*), Dec. 23, 2016, 130 Stat. 2509.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114–328, § 1241(*l*)(1), renumbered section 2249e of this title as this section.

Subsec. (f). Pub. L. 114–328, § 1241(*l*)(2), struck out subsec. (f) which defined ''appropriate committees of Congress'' for this section.

Statutory Notes and Related Subsidiaries

PLAN TO PROVIDE CONSISTENCY OF ADMINISTRATION OF AUTHORITIES RELATING TO VETTING OF UNITS OF SECURITY FORCES OF FOREIGN COUNTRIES; MODIFICATION OF ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION PROGRAMS AND ACTIVITIES

Pub. L. 116–92, div. A, title XII, § 1206, Dec. 20, 2019, 133 Stat. 1622, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense and Secretary of State shall jointly develop, implement, and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a plan to provide consistency in administration of section 362 of title 10, United States Code, and section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

''(b) MATTERS TO BE INCLUDED.—The plan required by subsection (a) shall contain the following:

''(1) Common standards and procedures which shall be used by the Department of Defense and Department of State to obtain and verify information regarding the vetting of units of the security forces of foreign countries for gross violation of human rights under the authorities described in subsection (a), including—

''(A) public guidelines for external sources to report information; and

''(B) methods and criteria employed by the Department of Defense and Department of State to determine whether sources, source reporting, and allegations are credible.

''(2) Measures to ensure the Department of Defense has read-only access to the International Vetting and Security Tracking (INVEST) system, and any successor or equivalent system.

''(3) Measures to ensure the authorities described in subsection (a) are applied to any foreign forces, irregular forces, groups, and individuals that receive training, equipment, or other assistance from the United States military.

''(c) FORM.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

''(d) INTEGRATION OF HUMAN RIGHTS AND CIVILIAN PROTECTION INTO ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION PROGRAMS AND ACTIVITIES.—

''(1) REPORTS REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees an interim report and a final report on the steps the Secretary will take to incorporate partner units' activities, as such activities relate to human rights and protection of civilians, into the program elements described in section 383(b)(1) of title 10, United States Code.

''(2) DEADLINES.—

''(A) INTERIM REPORT.—The interim report required under paragraph (1) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019] and shall include a summary of the progress of the Secretary in implementing the steps described in such paragraph.

''(B) FINAL REPORT.—The final report required under paragraph (1) shall be submitted to the appropriate congressional committees not later than one year after the date of enactment of this Act and shall specifically identify the actions the Secretary took to implement the steps described in paragraph (1).

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the following:

''(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

''(B) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.''

HUMAN RIGHTS VETTING OF AFGHAN NATIONAL DEFENSE AND SECURITY FORCES

Pub. L. 115–91, div. A, title XII, § 1216, Dec. 12, 2017, 131 Stat. 1650, provided that: ''The Secretary of Defense may establish within the Department of Defense one or more permanent positions to oversee and support, in coordination with the Department of State, the implementation of section 362 of title 10, United States Code, with respect to the Afghan National Defense and Security Forces.''

ANNUAL REPORTS

Pub. L. 113–291, div. A, title XII, § 1204(b), Dec. 19, 2014, 128 Stat. 3533, as amended by Pub. L. 115–232, div. A, title XII, § 1204(c)(2), Aug. 13, 2018, 132 Stat. 2017, provided that:

''(1) IN GENERAL.—Not later than March 31, 2015, and every March 31 thereafter through 2024, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth for the preceding fiscal year the following:

''(A) The total number of cases submitted for vetting for purposes of section 362 of title 10, United States Code (as added by subsection (a)), and the total number of such cases approved, or suspended or rejected for human rights reasons, non-human rights reasons, or administrative reasons.

''(B) In the case of units rejected for non-human rights reasons, a detailed description of the reasons relating to the rejection.

''(C) A description of the interagency processes that were used to evaluate compliance with requirements to conduct vetting.

''(D) An addendum that includes any comments by the commanders of the combatant commands about the impact of section 362 of title 10, United States Code (as so added), on their theater security cooperation plan.

''(E) Such other matters with respect to the administration of section 362 of title 10, United States Code (as so added), as the Secretary considers appropriate.

''(2) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(3) 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.''

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 1204(b) of Pub. L. 113–291, set out above, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.]

[§ 371. Renumbered § 271]

[§ 372. Renumbered § 272]

[§ 373. Renumbered § 273]

[§ 374. Renumbered § 274]

[§ 375. Renumbered § 275]

[§ 376. Renumbered § 276]

[§ 377. Renumbered § 277]

[§ 378. Renumbered § 278]

[§ 379. Renumbered § 279]

[§ 380. Renumbered § 280]

SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS

Sec.
381. Consolidated budget.
382. Execution and administration of programs and activities.
383. Assessment, monitoring, and evaluation of programs and activities.
384. Department of Defense security cooperation workforce development.
385. Department of Defense support for other departments and agencies of the United States Government that advance Department of Defense security cooperation objectives.
386. Annual report.

§ 381. Consolidated budget

(a) CONSOLIDATED BUDGET.—The budget of the President for each fiscal year, as submitted to Congress by the President pursuant to section 1105 of title 31, shall set forth by budget function and as a separate item the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense, including the military departments, to be conducted in such fiscal year, including the specific country or region and the applicable authority, to the extent practicable.

(b) SEMIANNUAL REPORT ON USE OF FUNDS.—The Secretary shall submit to the appropriate committees of Congress a report on the obligation and expenditure of funds for security cooperation programs and activities of the Department of Defense—

(1) by not later than August 31 of each year, for the first six-month period of that year; and

(2) by not later than February 28 of each year, for the second six-month period of the preceding year.

(Added Pub. L. 114–328, div. A, title XII, §1249(a), Dec. 23, 2016, 130 Stat. 2526; amended Pub. L. 116–92, div. A, title XII, §1204, Dec. 20, 2019, 133 Stat. 1622; Pub. L. 118–31, div. A, title X, §1061(a), Dec. 22, 2023, 137 Stat. 398; Pub. L. 118–159, div. A, title XVII, §1701(a)(6), Dec. 23, 2024, 138 Stat. 2203.)

Editorial Notes

PRIOR PROVISIONS

A prior section 381 was renumbered section 281 of this title.

AMENDMENTS

2024—Subsec. (b). Pub. L. 118–159 substituted ''Defense—'' for ''Defense—.'' in introductory provisions.

2023—Subsec. (b). Pub. L. 118–31, in heading, substituted ''Semiannual Report'' for ''Quarterly Report'', and, in text, substituted ''The'' for ''Not later than 60 days after the end of each calendar quarter, the'' and ''Defense—'' for ''Defense during such calendar quarter'' and added pars. (1) and (2).

2019—Subsec. (b). Pub. L. 116–92 substituted ''60 days'' for ''30 days''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE; APPLICABILITY

Pub. L. 114–328, div. A, title XII, §1249(b), Dec. 23, 2016, 130 Stat. 2526, provided that: ''The amendment made by subsection (a) [enacting this section] shall take effect on the date of the enactment of this Act [Dec. 23, 2016], and shall apply as follows:

''(1) Subsection (a) of section 381 of title 10, United States Code, as added by subsection (a), shall apply to budgets submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2018.

''(2) Subsection (b) of such section 381, as so added, shall apply to calendar quarters beginning on or after the date of the enactment of this Act.''

§ 382. Execution and administration of programs and activities

(a) POLICY OVERSIGHT AND RESOURCE ALLOCATION.—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Under Secretary of Defense or below.

(b) EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.—

(1) IN GENERAL.—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease.

(2) DESIGNATION OF RESPONSIBILITY.—The Director may designate an element of an armed force, combatant command, Defense Agency, Department of Defense Field Activity, or other element or organization of the Department of Defense to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

(c) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to implement security cooperation programs and activities of the Department of Defense authorized by this chapter.

(2) BUDGET JUSTIFICATION.—Funds necessary for implementing security cooperation pro-

grams and activities of the Department of Defense under this chapter for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

(Added Pub. L. 114–328, div. A, title XII, § 1241(m), Dec. 23, 2016, 130 Stat. 2509.)

Editorial Notes

PRIOR PROVISIONS

A prior section 382 was renumbered section 282 of this title.

§ 383. Assessment, monitoring, and evaluation of programs and activities

(a) PROGRAM REQUIRED.—The Secretary of Defense shall maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities of the Department of Defense.

(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

(1) ELEMENTS.—The program under subsection (a) shall provide for the following:

(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense.

(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

(E) Incorporation of lessons learned from prior security cooperation programs and activities of the Department of Defense that were carried out any time on or after September 11, 2001.

(2) BEST PRACTICES.—The program shall be conducted in accordance with international best practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

(c) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to carry out the program required by subsection (a).

(2) BUDGET JUSTIFICATION.—Funds described in paragraph (1) for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

(d) REPORTS.—

(1) REPORTS TO CONGRESS.—The Secretary shall submit to the congressional defense committees each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

(A) A description of the activities under the program.

(B) An evaluation of the lessons learned, including a description of challenges in executing the program, and best practices identified through activities under the program.

(2) INFORMATION FOR THE PUBLIC ON EVALUATIONS.—The Secretary shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted pursuant to subsection (b)(1)(C). In making a summary so available, the Secretary may redact or omit any information that the Secretary determines should not be disclosed to the public in order to protect the interest of the United States or the foreign country or countries covered by such evaluation.

(Added Pub. L. 114–328, div. A, title XII, § 1241(m), Dec. 23, 2016, 130 Stat. 2510; amended Pub. L. 115–232, div. A, title XII, § 1211(c), Aug. 13, 2018, 132 Stat. 2024; Pub. L. 118–159, div. A, title XII, § 1203, Dec. 23, 2024, 138 Stat. 2094.)

Editorial Notes

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (b)(2), is Pub. L. 103–62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

The GPRA Modernization Act of 2010, referred to in subsec. (b)(2), is Pub. L. 111–352, Jan. 4, 2011, 124 Stat. 3866, which enacted sections 1115, 1116, and 1120 to 1125 of Title 31, Money and Finance, and section 306 of Title 5, Government Organization and Employees, amended section 1105 of Title 31, repealed sections 1115 and 1116 of Title 31 and section 306 of Title 5, and enacted provisions set out as notes under section 1115 of Title 31 and section 5105 of Title 5. For complete classification of this Act to the Code, see Short Title of 2011 Amendment note set out under section 1101 of Title 31 and Tables.

PRIOR PROVISIONS

A prior section 383 was renumbered section 283 of this title.

AMENDMENTS

2024—Subsec. (d)(1)(B). Pub. L. 118–159 inserted ‘‘, including a description of challenges in executing the program,’’ after ‘‘lessons learned’’.

2018—Subsec. (b)(1)(E). Pub. L. 115–232 added subpar. (E).

§ 384. Department of Defense security cooperation workforce development

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to be known as

the ''Department of Defense Security Cooperation Workforce Development Program'' (in this section referred to as the ''Program'') to oversee the development and management of a professional workforce supporting security cooperation programs and activities of the Department of Defense, including—

(1) assessment, planning, monitoring, execution, evaluation, and administration of such programs and activities under this chapter; and

(2) execution of security assistance programs and activities under the Foreign Assistance Act of 1961 and the Arms Export Control Act by the Department of Defense.

(b) PURPOSE.—The purpose of the Program is to improve the quality and professionalism of the security cooperation workforce in order to ensure that the workforce—

(1) has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate support to the assessment, planning, monitoring, execution, evaluation, and administration of security cooperation programs and activities described in subsection (a), and ensure that the Department receives the best value for the expenditure of public resources on such programs and activities; and

(2) is assigned in a manner that ensures personnel with the appropriate level of expertise and experience are assigned in sufficient numbers to fulfill requirements for the security cooperation programs and activities of the Department of Defense and the execution of security assistance programs and activities described in subsection (a)(2).

(c) ELEMENTS.—The Program shall consist of elements relating to the development and management of the security cooperation workforce for the purposes specified in subsection (b), including the following elements on training, certification, assignment, career development, and tracking of personnel of the security cooperation workforce:

(1) Establishment of a comprehensive system to track and account for all Department of Defense personnel in the security cooperation workforce, using systems of record in the military departments, the Office of the Secretary of Defense, the combatant commands, Defense Agencies, Department of Defense Field Activities, and the National Guard.

(2) Establishment of a management information system, pursuant to regulations prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Policy and the Director of the Defense Security Cooperation Agency, to ensure that all organizations and elements of the Department provide standardized information and data to the Secretary on persons serving in security cooperation positions. Such management information system shall, at a minimum, provide for the collection and retention of information concerning the qualification, assignments, and tenure of persons in the security cooperation workforce.

(3) Implementation and management of the security cooperation human capital initiative under subsection (e).

(4) Establishment of a defense security cooperation service, pursuant to regulations prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Policy and the Director of the Defense Security Cooperation Agency, to ensure that security cooperation organizations of the United States located at overseas missions possess the requisite personnel, and that such personnel possess the skills needed, to properly perform their missions, which shall include—

(A) members of the armed forces and civilians assigned to security cooperation organizations of United States missions overseas who are performing security cooperation functions, regardless of funding source; and

(B) personnel of the Department of Defense performing functions in furtherance of section 515 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i).

(5) Such other elements as the Secretary of Defense determines appropriate.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Program shall be managed by the Director of the Defense Security Cooperation Agency.

(2) MANAGING ENTITY.—

(A) DESIGNATION.—The Secretary of Defense, acting through the Under Secretary of Defense for Policy and the Director of the Defense Security Cooperation Agency, shall designate the Defense Security Cooperation University to serve as the lead entity for managing the implementation of the Program.

(B) DUTIES.—The Defense Security Cooperation University shall carry out the management and implementation of the Program, consistent with objectives formulated by the Secretary of Defense, which shall include the following:

(i) Providing for comprehensive tracking of and accounting for all Department of Defense employees engaged in the security cooperation enterprise.

(ii) Providing training requirements specified at the requisite proficiency levels for each position.

(C) REPORTING.—The Secretary of Defense shall ensure that, not less frequently than semi-annually, each military department, the Office of the Secretary of Defense, and each combatant command, Defense Agency, Department of Defense Field Activity, and unit of the National Guard submits to the Defense Security Cooperation University a formal manpower document as determined by the Director of the Defense Security Cooperation Agency that—

(i) lists each position in the security cooperation workforce of the organization concerned as determined by the Director of the Defense Security Cooperation Agency; and

(ii) uniquely codes every position within component manpower systems for the security cooperation workforce for the management and career development of the security cooperation workforce, as determined by the Director of the Defense Security Cooperation Agency.

(3) SECURITY COOPERATION WORKFORCE MANAGEMENT INFORMATION SYSTEM.—The Secretary of Defense, acting through the Director of the Defense Security Cooperation Agency, shall prescribe regulations to ensure that each military department, the Office of the Secretary of Defense, and each combatant command, Defense Agency, Department of Defense Field Activity, and unit of the National Guard provides standardized information and data to the Secretary on persons serving in positions within the security cooperation workforce.

(e) SECURITY COOPERATION HUMAN CAPITAL INITIATIVE.—

(1) IN GENERAL.—The Secretary shall implement a security cooperation human capital initiative within the Defense Security Cooperation University to identify, account for, and manage the career progression of personnel in the security cooperation workforce.

(2) ELEMENTS.—The security cooperation human capital initiative shall do the following:

(A) Provide direction to the Department of Defense on the establishment of professional career paths for the personnel of the security cooperation workforce, addressing training and education standards, promotion opportunities and requirements, retention policies, and scope of workforce demands.

(B) Provide for a mechanism to identify and define training and certification requirements for security cooperation positions in the Department and a means to track workforce skills and certifications.

(C) Provide for a mechanism to establish a program of professional certification in Department of Defense security cooperation for personnel of the security cooperation workforce in different career tracks and levels of competency based on requisite training and experience.

(D) Establish requirements for training and professional development associated with each level of certification provided for under subparagraph (C).

(E) Provide for a mechanism for assigning appropriately certified personnel of the security cooperation workforce to assignments associated with key positions in connection with security cooperation programs and activities.

(F) Identify the appropriate composition of career and temporary personnel necessary to constitute the security cooperation workforce.

(G) Identify specific positions throughout the security cooperation workforce to be managed and assigned through the Program.

(H) Identify career paths that provide a competency-based road map for security cooperation employees to aid in their career planning and professional development.

(I) Develop a competency-based approach to the security cooperation workforce that enables components of the Department of Defense to incorporate competencies in recruitment and retention tools such as job analysis, position descriptions, vacancy announcements, selection assessment questionnaires, and employee training and development plans.

(J) Align with the Department of Defense and Defense Security Cooperation Agency strategic planning, budget process, performance management goals, and metrics to ensure the appropriate workforce mix and skill sets to accomplish the security cooperation mission.

(K) Include assessment measures intended to assess progress in implementing the security cooperation workforce using results-oriented performance measures.

(f) FOREIGN MILITARY SALES CENTER OF EXCELLENCE.—

(1) ESTABLISHMENT.—The Secretary of Defense shall direct an educational institution of the Department of Defense with the requisite expertise in foreign military sales and in education, training, research, and analysis of the security cooperation workforce within the Department of Defense to serve as a Foreign Military Sales Center of Excellence to improve the training and education of personnel engaged in foreign military sales planning and execution.

(2) OBJECTIVES.—The objectives of the Foreign Military Sales Center of Excellence shall include—

(A) conducting research on and promoting best practices for ensuring that foreign military sales are timely and effective; and

(B) enhancing existing curricula for the purpose of ensuring that the foreign military sales workforce is fully trained and prepared to execute the foreign military sales program.

(g) DEFENSE SECURITY COOPERATION UNIVERSITY.—

(1) CHARTER.—The Secretary of Defense shall develop and promulgate a charter for the operation of the Defense Security Cooperation University.

(2) MISSION.—The charter required by paragraph (1) shall set forth the mission, and associated structures and organizations, of the Defense Security Cooperation University, which shall include—

(A) management and implementation of international military training and education security cooperation programs and authorities executed by the Department of Defense;

(B) management and provision of institutional capacity-building services executed by the Department of Defense; and

(C) advancement of the profession of security cooperation through research, data collection, analysis, publication, and learning.

(3) COOPERATIVE RESEARCH AND DEVELOPMENT ARRANGEMENTS.—

(A) IN GENERAL.—In engaging in research and development projects pursuant to subsection (a) of section 4001 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary of Defense may enter into such contract or cooperative agreement, or award such grant, through the Defense Security Cooperation University.

(B) TREATMENT AS GOVERNMENT-OPERATED FEDERAL LABORATORY.—The Defense Secu-

rity Cooperation University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(4) ACCEPTANCE OF RESEARCH GRANTS.—

(A) IN GENERAL.—The Secretary of Defense, through the Under Secretary of Defense for Policy, may authorize the President of the Defense Security Cooperation University to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Defense Security Cooperation University for a scientific, literary, or educational purpose.

(B) QUALIFYING GRANTS.—A qualifying research grant under this paragraph is a grant that is awarded on a competitive basis by an entity described in subparagraph (C) for a research project with a scientific, literary, or educational purpose.

(C) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this paragraph only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(D) ADMINISTRATION OF GRANT FUNDS.—The Director of the Defense Security Cooperation Agency shall establish an account for administering funds received as research grants under this section. The President of the Defense Security Cooperation University shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(E) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Defense Security Cooperation University may be used to pay expenses incurred by the Defense Security Cooperation University in applying for, and otherwise pursuing, the award of qualifying research grants.

(F) REGULATIONS.—The Secretary of Defense, through the Under Secretary of Defense for Policy, shall prescribe regulations for the administration of this subsection.

(h) SOURCE OF FUNDS.—

(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to carry out the Program.

(2) BUDGET JUSTIFICATION.—Funds necessary to carry out the Program as described in paragraph (1) for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

(i) USE OF FUNDS.—Amounts available for use for the Program may be transferred to any account of the military departments or the Defense Agencies for purposes of the Program.

(j) SECURITY COOPERATION WORKFORCE DEFINED.—In this section, the term ''security cooperation workforce'' means the following:

(1) Members of the armed forces and civilian employees of the Department of Defense working in the security cooperation organizations of United States missions overseas.

(2) Members of the armed forces and civilian employees of the Department of Defense in the geographic combatant commands and functional combatant commands responsible for planning, monitoring, or conducting security cooperation activities.

(3) Members of the armed forces and civilian employees of the Department of Defense in the military departments performing security cooperation activities, including activities in connection with the acquisition and development of technology release policies.

(4) Other military and civilian personnel of Defense Agencies and Field Activities who perform security cooperation activities.

(5) Personnel of the Department of Defense who perform assessments, monitoring, or evaluations of security cooperation programs and activities of the Department of Defense, including assessments under section 383 of this title.

(6) Other members of the armed forces or civilian employees of the Department of Defense who contribute significantly to the security cooperation programs and activities of the Department of Defense by virtue of their assigned duties, as determined pursuant to the security cooperation human capital initiative under subsection (e).

(k) REPORT ON SECURITY COOPERATION WORKFORCE.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection, and not less frequently than once every 2 years thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Department of Defense security cooperation workforce.

(2) ELEMENTS.—Each report under paragraph (1) shall—

(A) identify current and projected security cooperation workforce manpower requirements, including expeditionary requirements within the context of total force planning, needed to meet the security cooperation mission;

(B) identify critical skill gaps (such as recruitment in the existing or projected workforce) and development of strategies to manage the security cooperation workforce to address those gaps;

(C) address development, validation, implementation, and assessment of security cooperation workforce and Department-wide competencies for security cooperation and associated occupational series using the Department taxonomy;

(D) produce a comparison between competency proficiency levels against target proficiency levels at enterprise and individual levels to identify competency gaps and gap closure strategies, for competencies needed at the time of the report and in the future;

(E) identify any exceptions and waivers granted with respect to the application of

qualification, assignment, and tenure policies, procedures, and practices to persons, billets or positions;

(F) indicate relative promotion rates for security cooperation workforce personnel;

(G) identify the funds requested or allocated for the Department of Defense security cooperation workforce and address whether such funds are sufficient to—

(i) address the critical skill gaps identified pursuant to subparagraph (B); and

(ii) provide incentives to recruit and retain high-quality personnel in the security cooperation workforce; and

(H) include any other matters the Secretary of Defense determines appropriate.

(*l*) COMPTROLLER GENERAL EVALUATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an independent evaluation of the actions taken by the Secretary of Defense to carry out the requirements of this section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this subsection, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation conducted under paragraph (1). Such report shall include—

(A) an analysis of the effectiveness of the actions taken by the Secretary to carry out the requirements of this section; and

(B) such legislative and administrative recommendations as the Comptroller General considers appropriate to meet the objectives of this section.

(Added Pub. L. 114–328, div. A, title XII, §1250(a), Dec. 23, 2016, 130 Stat. 2526; amended Pub. L. 118–31, div. A, title XII, §1204(a), Dec. 22, 2023, 137 Stat. 442.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

The Arms Export Control Act, referred to in subsec. (a)(2), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, referred to in subsec. (e)(1), (2), is the date of enactment of Pub. L. 114–328, which was approved Dec. 23, 2016.

The date of the enactment of this subsection, referred to in subsecs. (k)(1) and (*l*)(2), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

PRIOR PROVISIONS

A prior section 384 was renumbered section 284 of this title.

AMENDMENTS

2023—Subsec. (c). Pub. L. 118–31, §1204(a)(1), amended subsec. (c) generally. Prior to amendment, text read as follows: ''The Program shall consist of such elements relating to the development and management of the security cooperation workforce as the Secretary considers appropriate for the purposes specified in subsection (b), including elements on training, certification, assignment, and career development of personnel of the security cooperation workforce.''

Subsec. (d). Pub. L. 118–31, §1204(a)(2), amended subsec. (d) generally. Prior to amendment, text read as follows: ''The Program shall be managed by the Director of the Defense Security Cooperation Agency.''

Subsec. (e). Pub. L. 118–31, §1204(a)(3), amended subsec. (e) generally. Prior to amendment, subsec. (e) related to guidance for the execution and administration of the Department of Defense Security Cooperation Workforce Development Program.

Subsecs. (f) to (h). Pub. L. 118–31, §1204(a)(5), (6), added subsecs. (f) and (g) and redesignated former subsec. (f) as (h). Former subsecs. (g) and (h) redesignated (i) and (j), respectively.

Subsec. (h)(6). Pub. L. 118–31, §1204(a)(4), substituted ''security cooperation human capital initiative under subsection (e)'' for ''guidance issued under subsection (e)''.

Subsecs. (i), (j). Pub. L. 118–31, §1204(a)(5), redesignated subsecs. (g) and (h) as (i) and (j), respectively.

Subsecs. (k), (*l*). Pub. L. 118–31, §1204(a)(7), added subsecs. (k) and (*l*).

§ 385. Department of Defense support for other departments and agencies of the United States Government that advance Department of Defense security cooperation objectives

(a) SUPPORT AUTHORIZED.—Subject to subsection (c), the Secretary of Defense is authorized to support other departments and agencies of the United States Government for the purpose of implementing or supporting foreign assistance programs and activities described in subsection (b) that advance security cooperation objectives of the Department of Defense.

(b) FOREIGN ASSISTANCE PROGRAMS AND ACTIVITIES.—The foreign assistance programs and activities described in this subsection are foreign assistance programs and activities that—

(1) are necessary for the effectiveness of one or more programs of the Department of Defense relating to security cooperation conducted pursuant to an authority in this chapter; and

(2) cannot be carried out by the Department.

(c) ANNUAL LIMITATION ON AMOUNT OF SUPPORT.—The amount of support provided pursuant to subsection (a) in any fiscal year may not exceed $75,000,000.

(d) NOTICE AND WAIT.—If a determination is made to transfer funds in connection with the provision of support pursuant to subsection (a) for a program or activity, the transfer may not occur until—

(1) the Secretary and the head of the department or agency to receive the funds jointly submit to the congressional defense committees a notice on the transfer, which notice shall include—

(A) a detailed description of the purpose and estimated cost of such program or activity;

(B) a detailed description of the security cooperation objectives of the Department, including the theater campaign plan of the combatant command concerned, that will be advanced;

(C) a justification why such program or activity will advance such objectives;

(D) a justification why such program or activity cannot be carried out by the Department;

(E) an identification of any funds programmed or obligated by the department or agency other than the Department on such program or activity; and

(F) a timeline for the provision of such support; and

(2) a period of 30 days elapses after the date of the submittal of the notice pursuant to paragraph (1).

(Added Pub. L. 114–328, div. A, title XII, §1241(m), Dec. 23, 2016, 130 Stat. 2511; amended Pub. L. 115–232, div. A, title XII, §1204(c)(1)(E), Aug. 13, 2018, 132 Stat. 2017.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d)(1)(B). Pub. L. 115–232 substituted ''including'' for ''include''.

§ 386. Annual report

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report that sets forth, on a country-by-country basis, an overview of security cooperation activities carried out by the Department of Defense during the fiscal year in which such report is submitted, using the authorities specified in subsection (b).

(b) ELEMENTS OF REPORT.—Each report required under subsection (a) shall include, with respect to each country and for the entirety of the period covered by such report, the following:

(1) A narrative summary that provides—

(A) a brief overview of the primary security cooperation objectives for the activities encompassed by the report; and

(B) a description of how such activities advance the theater security cooperation strategy of the relevant geographic combatant command.

(2) A table that includes an aggregated amount with respect to each of the following:

(A) With respect to section 331 of this title, the value of all logistic support, supplies, and services for which notice is required by such section.

(B) With respect to amounts made available for section 332(a) of this title, the Department of Defense cost to provide any Department personnel as advisors to a ministry of defense.

(C) With respect to amounts made available for section 332(b) of this title, the Department of Defense incremental execution costs to conduct activities under such section.

(D) With respect to section 333 of this title, the value of all programs for which notice is required by such section.

(E) With respect to section 335 of this title, the total Department of Defense costs to fund expenses to attend training provided by the Government of Colombia that began during the period of the report.

(F) With respect to amounts made available for section 341 of this title, the Department of Defense manpower and travel costs to conduct bilateral state partnership program engagements with the partner country.

(G) With respect to amounts made available for section 342 of this title, the Department of Defense-funded, foreign-partner travel costs to attend a regional center activity that began during the period of the report.

(H) With respect to amounts made available for section 345 of this title, the estimated Department of Defense execution cost to complete all training that began during the period of the report.

(I) With respect to amounts made available for section 2561 of this title, the planned execution cost of completing humanitarian assistance activities for the partner country that were approved for the period of the report.

(3) A table that includes aggregated totals for each of the following:

(A) Pursuant to section 311 of this title, the number of personnel from a partner country assigned to a Department of Defense organization.

(B) The number of new programs carried out during the period of the report that required notice under section 331 of this title.

(C) Pursuant to section 332(a) of this title, the number of Department of Defense personnel assigned as advisors to a ministry of defense.

(D) Pursuant to section 332(b) of this title, the number of activities conducted by the Department of Defense.

(E) The number of new programs carried out during the period of the report that required notice under section 333 of this title.

(F) With respect to section 335 of this title, the number of partner country officials who participated in training provided by the Government of Colombia that began during the period of the report.

(G) With respect to section 341 of this title, the number of Department of Defense bilateral state partnership program engagements with the partner country that began during the period of the report.

(H) With respect to section 342 of this title, the number of partner country officials who participated in regional center activity that began during the period of the report.

(I) Pursuant to the authorities under sections 343, 345, 348, 349, 350 and 352 of this title, the total number of partner country personnel who began training during the period of the report.

(J) Pursuant to section 347 of this title, the number of cadets from the partner country that were enrolled in the Service Academies during the period of the report.

(K) Pursuant to amounts made available to carry out section 2561 of this title, the number of new humanitarian assistance projects funded through the Overseas Humanitarian Disaster and Civic Aid account that were approved during the period of the required report.

(4) A table that includes the following:

(A) For each person from the partner country assigned to a Department of Defense organization pursuant to section 311 of this title—

(i) whether the person is a member of the armed forces or a civilian;

(ii) the rank of the person (if applicable); and

(iii) the component of the Department of Defense and location to which such person is assigned.

(B) With respect to each civilian employee of the Department of Defense or member of the armed forces that was assigned, pursuant to section 332(a) of this title, as an advisor to a ministry of defense during the period of the report, a description of the object of the Department of Defense for such support and the name of the ministry or regional organization to which the employee or member was assigned.

(C) With respect to each activity commenced under section 332(b) of this title during the period of the report—

(i) the name of the supported ministry or regional organization;

(ii) the component of the Department of Defense that conducted the activity;

(iii) the duration of the activity; and

(iv) a description of the objective of the activity.

(D) For each program that required notice to Congress under section 333 of this title during the period of the report—

(i) the units of the national security forces of the foreign country to which assistance was provided;

(ii) the type of operation capability assisted;

(iii) a description of the nature of the assistance being provided; and

(iv) the estimated cost included in the notice provided for such assistance.

(E) With respect to each Government of Colombia training activity which included Department of Defense funded participants under section 335 of this title that commenced during the period of the report—

(i) the units of the defense personnel of the friendly foreign country to which the Department of Defense funded assistance was provided;

(ii) the units of the Government of Colombia that conducted the training activity;

(iii) the duration of the training activity provided by the Government of Colombia; and

(iv) a description of the objective of the training activity provided by the Government of Colombia.

(F) With respect to each activity commenced under section 341 of this title during the period of the report—

(i) a description of the activity;

(ii) the duration of the activity;

(iii) the number of participating members of the National Guard; and

(iv) the number of participating personnel of foreign country.

(G) With respect to each activity of a Regional Center for Security Studies commenced under section 342 of this title during the period of the report—

(i) a description of the activity;

(ii) the name of the Regional Center that sponsored the activity;

(iii) the location and duration of the training; and

(iv) the number of officials from the foreign country who participated the activity.

(H) With respect to each training event that commenced under section 343, 345, 348, 349, 350, or 352 of this title during the period of the report—

(i) a description of the training;

(ii) the location and duration of the training; and

(iii) the number of personnel of the foreign country trained.

(I) With respect to each new project approved under section 2561 of this title during the period of the report and funded through the Overseas Humanitarian Disaster and Civic Aid account—

(i) the title of the project;

(ii) a description of the assistance to be provided; and

(iii) the anticipated costs to provide such assistance.

(Added and amended Pub. L. 114–328, div. A, title XII, §§ 1246(d)(2)(A), 1251(a)–(f), Dec. 23, 2016, 130 Stat. 2521, 2529–2531; Pub. L. 115–232, div. A, title XII, § 1204(b)(1)(A), Aug. 13, 2018, 132 Stat. 2017; Pub. L. 117–263, div. A, title XII, § 1202(d), Dec. 23, 2022, 136 Stat. 2823; Pub. L. 118–31, div. A, title XVIII, § 1801(a)(4), Dec. 22, 2023, 137 Stat. 683; Pub. L. 118–159, div. A, title XII, § 1205(b), Dec. 23, 2024, 138 Stat. 2094.)

Editorial Notes

CODIFICATION

Text of section, as added by Pub. L. 114–328, was based on text of subsecs. (a) to (e) of section 1211 of Pub. L. 113–291, div. A, title XII, Dec. 19, 2014, 128 Stat. 3544, which was not classified to the Code. Section was subsequently amended generally by Pub. L. 117–263.

AMENDMENTS

2024—Subsec. (b)(2). Pub. L. 118–159, § 1205(b)(1), added subpar. (A) and redesignated former subpars. (A) to (H) as (B) to (I), respectively.

Subsec. (b)(3)(B) to (K). Pub. L. 118–159, § 1205(b)(2), added subpar. (B) and redesignated former subpars. (B) to (J) as (C) to (K), respectively.

2023—Subsec. (b)(2)(E). Pub. L. 118–31, § 1801(a)(4)(A), substituted ''bilateral'' for ''bi-lateral''.

Subsec. (b)(4)(E)(iii). Pub. L. 118–31, § 1801(a)(4)(B)(i), inserted ''and'' after semicolon at end.

Subsec. (b)(4)(H). Pub. L. 118–31, § 1801(a)(4)(B)(ii), substituted ''section'' for ''sections'' in introductory provisions.

2022—Pub. L. 117–263 amended section generally. Prior to amendment, section related to annual report required by Secretary of Defense to the appropriate congressional committees setting forth a description of each program carried out to provide training, equipment, or other assistance or reimbursement.

2018—Subsec. (c)(1). Pub. L. 115–232 substituted ''Sections 246, 251, 252, 253, 321,'' for ''Sections 311, 321, 331, 332, 333,''.

2016—Subsec. (a). Pub. L. 114–328, §1251(b)(6), which directed striking out ''under the authorities in subsection (c)'' after ''submitted'', was executed by striking out ''under the authorities specified in subsection (c)'' after ''submitted'', to reflect the probable intent of Congress.

Pub. L. 114–328, §1251(b)(1)–(5), in heading, substituted ''Annual Report Required'' for ''Biennial Report Required'', and, in text, substituted ''Not later than January 31 of each year beginning in 2018, the Secretary of Defense'' for ''Not later than February 1 of each of 2016, 2018, and 2020, the Secretary of Defense'', ''appropriate congressional committees'' for ''congressional defense committees'', ''assistance'' for ''security assistance'', and ''the fiscal year'' for ''the two fiscal years'' and inserted ''under the authorities in subsection (c)'' after ''Department of Defense''.

Subsec. (b)(1). Pub. L. 114–328, §1251(c)(1), inserted '', duration,'' after ''purpose''.

Subsec. (b)(2). Pub. L. 114–328, §1251(c)(2), substituted ''The cost and expenditures'' for ''The cost''.

Subsec. (b)(4) to (6). Pub. L. 114–328, §1251(c)(3), added pars. (4) to (6).

Subsec. (c)(1). Pub. L. 114–328, §1246(d)(2)(A), which directed amendment of subsec. (c)(1) by inserting ''341,'' after ''333,'', was executed by making the insertion after ''321,'' to reflect the probable intent of Congress and the intervening amendment by Pub. L. 115–232. See 2018 Amendment note above.

Pub. L. 114–328, §1251(d)(1), added par. (1) and struck out former par. (1) which read as follows: ''Section 127d of title 10, United States Code, relating to authority to provide logistic support, supplies, and services to allied forces participating in a combined operation with the Armed Forces.''

Subsec. (c)(2), (3). Pub. L. 114–328, §1251(d)(6), substituted ''of this title'' for ''of title 10, United States Code''.

Subsec. (c)(4). Pub. L. 114–328, §1251(d)(2), (3), (6), redesignated par. (6) as (4), substituted ''of this title'' for ''of title 10, United States Code'', and struck out former par. (4) which read as follows: ''Section 2010 of title 10, United States Code, relating to authority to reimburse foreign troops for participation in combined exercises.''

Subsec. (c)(5). Pub. L. 114–328, §1251(d)(2), (3), (6), redesignated par. (8) as (5), substituted ''of this title'' for ''of title 10, United States Code'', and struck out former par. (5) which read as follows: ''Section 2011 of title 10, United States Code, relating to authority to reimburse foreign troops for participation in Joint Combined Exercise Training.''

Subsec. (c)(6). Pub. L. 114–328, §1251(d)(3), redesignated par. (9) as (6). Former par. (6) redesignated (4).

Subsec. (c)(7). Pub. L. 114–328, §1251(d)(2), (3), redesignated par. (13) as (7) and struck out former par. (7) which read as follows: ''Section 2282 of title 10, United States Code (as added by section 1205 of this Act), relating to authority to build the capacity of foreign military forces, or the predecessor authority to such section in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456).''

Subsec. (c)(8), (9). Pub. L. 114–328, §1251(d)(3), redesignated pars. (14) and (15) as (8) and (9), respectively. Former pars. (8) and (9) redesignated (5) and (6), respectively.

Subsec. (c)(10). Pub. L. 114–328, §1251(d)(2), (3), redesignated par. (16) as (10) and struck out former par. (10) which read as follows: ''Section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (32 U.S.C. 107 note), relating to authority for National Guard State Partnership program.''

Subsec. (c)(11), (12). Pub. L. 114–328, §1251(d)(2), (4), added pars. (11) and (12) and struck out former pars. (11) and (12) which read as follows:

''(11) Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note), relating to the Ministry of Defense Advisors program.

''(12) Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note), relating to the Global Security Contingency Fund.''

Subsec. (c)(13). Pub. L. 114–328, §1251(d)(5), redesignated par. (17) as (13). Former par. (13) redesignated (7).

Subsec. (c)(14) to (16). Pub. L. 114–328, §1251(d)(3), redesignated pars. (14) to (16) as (8) to (10), respectively.

Subsec. (c)(17). Pub. L. 114–328, §1251(d)(5), redesignated par. (17) as (13).

Subsec. (d). Pub. L. 114–328, §1251(e), designated existing provisions as par. (1) and inserted heading, substituted ''Except as provided in paragraph (2), if any information'' for ''If any information'', and added par. (2).

Subsec. (e). Pub. L. 114–328, §1251(f), inserted ''that may also include other sensitive information'' after ''annex''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114–328, div. A, title XII, §1246(d)(2), Dec. 23, 2016, 130 Stat. 2521, provided that the amendment made by section 1246(d)(2)(A) is effective as of January 1, 2020.

APPLICABILITY OF AMENDMENT TO ANNUAL REPORT REQUIREMENTS

Pub. L. 117–263, div. A, title XII, §1202(e), Dec. 23, 2022, 136 Stat. 2826, provided that: ''With respect to a report that was required to be submitted under section 386 of title 10, United States Code, prior to the date of the enactment of this Act [Dec. 23, 2022], that has not been submitted as of such date and relates to a year preceding fiscal year 2023, such a report may be submitted in accordance with—

''(1) the requirements of such section 386 as amended by subsection (d); or

''(2) the requirements of such section 386 as in effect on the day before the date of the enactment of this Act.''

CHAPTER 19—CYBER AND INFORMATION OPERATIONS MATTERS

Sec.
391. Reporting on cyber incidents with respect to networks and information systems of operationally critical contractors and certain other contractors.
391a. Annual reports on support by military departments for United States Cyber Command.
391b. Strategic cybersecurity program.
392. Executive agents for cyber test and training ranges.
392a. Principal Cyber Advisors.
393. Reporting on penetrations of networks and information systems of certain contractors.
394. Authorities concerning military cyber operations.
395. Notification requirements for sensitive military cyber operations.
396. Notification requirements for cyber weapons.
397. Principal Information Operations Advisor.
398. Military information support operations in information environment.
398a. Pilot program for sharing cyber capabilities and related information with foreign operational partners.
399. Notifications relating to military operations in the information environment: requirement to notify Chief of Mission.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31, div. A, title XV, §§1501(1), 1502(a)(1), title XVIII, §1801(a)(6), Dec. 22, 2023, 137 Stat. 533, 683, added item 391b and made identical amendments redesignating item 398 ''Pilot program for shar-