

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title X, §1003(b), Feb. 10, 1996, 110 Stat. 417, provided that: “The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on the date of the enactment of this Act [Feb. 10, 1996] and shall apply to any operation of the Department of Defense that is in effect on or after that date, whether such operation is begun before, on, or after such date of enactment. In the case of an operation begun before such date, any reference in such section to the commencement of such operation shall be treated as referring to the effective date under the preceding sentence.”

INCREMENTAL CONTINGENCY OPERATIONS COST REPORT

Pub. L. 114-113, div. C, title VIII, §8093, Dec. 18, 2015, 129 Stat. 2373, provided that: “The Department of Defense shall continue to report incremental contingency operations costs for Operation Inherent Resolve, Operation Freedom’s Sentinel, and any named successor operations, on a monthly basis and any other operation designated and identified by the Secretary of Defense for the purposes of section 127a of title 10, United States Code, on a semi-annual basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ‘Contingency Operations’, Annex 1, dated September 2005.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 113-235, div. C, title VIII, §8097, Dec. 16, 2014, 128 Stat. 2276.

Pub. L. 113-76, div. C, title VIII, §8092, Jan. 17, 2014, 128 Stat. 126.

§ 127b. Department of Defense rewards program

(a) **AUTHORITY.**—The Secretary of Defense may pay a monetary amount, or provide a payment-in-kind, to a person as a reward for providing United States Government personnel, or government personnel of allied forces participating in a combined operation with the armed forces, with information or nonlethal assistance that is beneficial to—

(1) an operation or activity of the armed forces, or of allied forces participating in a combined operation with the armed forces, conducted outside the United States against international terrorism; or

(2) force protection of the armed forces, or of allied forces participating in a combined operation with the armed forces.

(b) **LIMITATION.**—The amount or value of a reward provided under this section may not exceed \$5,000,000.

(c) **DELEGATION OF AUTHORITY.**—(1) The authority of the Secretary of Defense under subsection (a) may be delegated only—

(A) to the Deputy Secretary of Defense and an Under Secretary of Defense, without further redelegation; and

(B) to the commander of a combatant command, but only for a reward in an amount or with a value not in excess of \$1,000,000.

(2) A commander of a combatant command to whom authority to provide rewards under this section is delegated under paragraph (1) may further delegate that authority, but only for a reward in an amount or with a value not in excess of \$10,000, except that such a delegation

may be made to the commander’s deputy commander, or to the commander of a command directly subordinate to that commander, without regard to such limitation. Such a delegation may be made to the commander of a command directly subordinate to the commander of a combatant command only with the approval of the Secretary of Defense, the Deputy Secretary of Defense, or an Under Secretary of Defense to whom authority has been delegated under subparagraph (1)(A).

(3)(A) Subject to subparagraph (B), an official who has authority delegated under paragraph (1) or (2) may use that authority, acting through government personnel of allied forces, to offer and make rewards.

(B) The Secretary of Defense shall prescribe policies and procedures for making rewards in the manner described in subparagraph (A), which shall include guidance for the accountability of funds used for making rewards in that manner. The policies and procedures shall not take effect until 30 days after the date on which the Secretary submits the policies and procedures to the congressional defense committees. Rewards may not be made in the manner described in subparagraph (A) except under policies and procedures that have taken effect.

(d) **COORDINATION.**—(1) The Secretary of Defense shall prescribe policies and procedures for the offering and making of rewards under this section and otherwise for administering the authority under this section. Such policies and procedures shall be prescribed in consultation with the Secretary of State and the Attorney General and shall ensure that the making of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

(2) The Secretary of Defense shall consult with the Secretary of State regarding the making of any reward under this section in an amount or with a value in excess of \$2,000,000.

(e) **PERSONS NOT ELIGIBLE.**—The following persons are not eligible to receive a reward under this section:

(1) A citizen of the United States.

(2) An officer or employee of the United States.

(3) An employee of a contractor of the United States.

(f) **ANNUAL REPORT.**—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the rewards program under this section during the preceding fiscal year.

(2) Each report for a fiscal year under this subsection shall include the following:

(A) Information on the total amount expended during that fiscal year to carry out the rewards program under this section during that fiscal year.

(B) Specification of the amount, if any, expended during that fiscal year to publicize the availability of rewards under this section.

(C) With respect to each reward provided during that fiscal year—

(i) the amount or value of the reward and whether the reward was provided as a monetary payment or in some other form;

(ii) the recipient of the reward and the recipient's geographic location; and

(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance and benefit of the information or assistance.

(D) A description of the status of program implementation in each geographic combatant command, including in which countries the program is being operated.

(E) A description of efforts to coordinate and de-conflict the authority under subsection (a) with similar rewards programs administered by the United States Government.

(F) An assessment of the effectiveness of the program in meeting its objectives.

(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

(g) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section is final and conclusive and is not subject to judicial review.

(h) REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID.—Not later than 15 days after the date on which the Secretary designates a country as a country in which an operation or activity of the armed forces is occurring in connection with which rewards may be paid under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the designation. Each report shall include the following:

(1) The country so designated.

(2) The reason and justification for the designation of the country.

(3) An estimate of the amount or value of the rewards to be paid as monetary payment or payment-in-kind under this section.

(Added Pub. L. 107-314, div. A, title X, §1065(a), Dec. 2, 2002, 116 Stat. 2655; amended Pub. L. 109-163, div. A, title X, §1056(c)(2), Jan. 6, 2006, 119 Stat. 3439; Pub. L. 109-364, div. A, title XIV, §1401, Oct. 17, 2006, 120 Stat. 2433; Pub. L. 110-181, div. A, title X, §1033, Jan. 28, 2008, 122 Stat. 307; Pub. L. 111-84, div. A, title X, §1071, Oct. 28, 2009, 123 Stat. 2470; Pub. L. 111-383, div. A, title X, §1031, Jan. 7, 2011, 124 Stat. 4351; Pub. L. 112-81, div. A, title X, §§1033, 1064(3), Dec. 31, 2011, 125 Stat. 1572, 1587; Pub. L. 112-239, div. A, title X, §1021(a), Jan. 2, 2013, 126 Stat. 1911; Pub. L. 113-291, div. A, title X, §1031, Dec. 19, 2014, 128 Stat. 3491; Pub. L. 114-92, div. A, title X, §1042(a)-(d)(1), Nov. 25, 2015, 129 Stat. 976; Pub. L. 114-328, div. A, title X, §1063, Dec. 23, 2016, 130 Stat. 2408.)

Editorial Notes

AMENDMENTS

2016—Subsec. (h)(2). Pub. L. 114-328, §1063(1), inserted “and justification” after “reason”.

Subsec. (h)(3). Pub. L. 114-328, §1063(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “A justification for the designation of the country for purposes of this section.”

2015—Pub. L. 114-92, §1042(d)(1), substituted “Department of Defense rewards program” for “Assistance in combating terrorism: rewards” in section catchline.

Subsec. (c)(3)(A). Pub. L. 114-92, §1042(a)(1), substituted “subparagraph (B)” for “subparagraphs (B) and (C)”.

Subsec. (c)(3)(C), (D). Pub. L. 114-92, §1042(a)(2), struck out subpars. (C) and (D) which read as follows:

“(C) Rewards may not be made in the manner described in subparagraph (A) after September 30, 2015.

“(D) Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this paragraph. The report shall identify each reward made in the manner described in subparagraph (A) and, for each such reward—

“(i) identify the type, amount, and recipient of the reward;

“(ii) explain the reason for making the reward; and

“(iii) assess the success of the reward in advancing the effort to combat terrorism.”

Subsec. (f)(2)(D) to (G). Pub. L. 114-92, §1042(b), redesignated subpars. (E) to (G) as (D) to (F), respectively, inserted “, including in which countries the program is being operated” before period at end of subpar. (D), and struck out former subpar. (D) which read as follows: “Information on the implementation of paragraph (3) of subsection (c).”

Subsec. (h). Pub. L. 114-92, §1042(c), added subsec. (h). 2014—Subsec. (c)(3)(C). Pub. L. 113-291 substituted “September 30, 2015” for “September 30, 2014”.

2013—Subsec. (c)(3)(C). Pub. L. 112-239 substituted “September 30, 2014” for “September 30, 2013”.

2011—Subsec. (c)(3)(C). Pub. L. 112-81, §1033(1), substituted “September 30, 2013” for “September 30, 2011”.

Pub. L. 111-383 substituted “2011” for “2010”.

Subsec. (f)(1). Pub. L. 112-81, §1064(3), which directed the substitution of “February 1” for “December 1”, could not be executed because of the intervening amendment by Pub. L. 112-81, §1033(2)(A). See note below.

Pub. L. 112-81, §1033(2)(A), substituted “February” for “December”.

Subsec. (f)(2)(C)(ii). Pub. L. 112-81, §1033(2)(B)(i), inserted “and the recipient's geographic location” after “reward”.

Subsec. (f)(2)(E) to (G). Pub. L. 112-81, §1033(2)(B)(ii), added subpars. (E) to (G).

2009—Subsec. (c)(3)(C). Pub. L. 111-84 substituted “2010” for “2009”.

2008—Subsec. (a). Pub. L. 110-181, §1033(b)(1)(A), in introductory provisions, inserted “, or government personnel of allied forces participating in a combined operation with the armed forces,” after “United States Government personnel”.

Subsec. (a)(1). Pub. L. 110-181, §1033(b)(1)(B), inserted “, or of allied forces participating in a combined operation with the armed forces,” after “armed forces”.

Subsec. (a)(2). Pub. L. 110-181, §1033(b)(1)(C), inserted “, or of allied forces participating in a combined operation with the armed forces” after “armed forces”.

Subsec. (b). Pub. L. 110-181, §1033(a)(1), substituted “\$5,000,000” for “\$200,000”.

Subsec. (c)(1)(B). Pub. L. 110-181, §1033(a)(2), substituted “\$1,000,000” for “\$50,000”.

Subsec. (c)(3). Pub. L. 110-181, §1033(b)(2), added par. (3).

Subsec. (d)(2). Pub. L. 110-181, §1033(a)(3), substituted “\$2,000,000” for “\$100,000”.

Subsec. (f)(2)(D). Pub. L. 110-181, §1033(c), added subpar. (D).

2006—Subsec. (c)(2). Pub. L. 109-364 substituted “\$10,000” for “\$2,500”, inserted “, or to the commander of a command directly subordinate to that commander,” after “deputy commander”, and inserted at end “Such a delegation may be made to the commander of a command directly subordinate to the commander of a combatant command only with the approval of the Secretary of Defense, the Deputy Secretary of Defense, or an Under Secretary of Defense to whom authority has been delegated under subparagraph (1)(A).”

Subsec. (d)(1). Pub. L. 109-163 substituted “Such policies” for “Such polices”.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

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

§ 127c. Purchase of weapons overseas: force protection

(a) **AUTHORITY.**—When elements of the armed forces are engaged in ongoing military operations in a country, the Secretary of Defense may, for the purpose of protecting United States forces in that country, purchase weapons from any foreign person, foreign government, international organization, or other entity located in that country.

(b) **LIMITATION.**—The total amount expended during any fiscal year for purchases under this section may not exceed \$15,000,000.

(c) **SEMIANNUAL CONGRESSIONAL REPORT.**—In any case in which the authority provided in subsection (a) is used during the period of the first six months of a fiscal year, or during the period of the second six months of a fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the use of that authority during that six-month period. Each such report shall be submitted not later than 30 days after the end of the six-month period during which the authority is used. Each such report shall include the following:

(1) The number and type of weapons purchased under subsection (a) during that six-month period covered by the report, together with the amount spent for those weapons and the Secretary’s estimate of the fair market value of those weapons.

(2) A description of the dispositions (if any) during that six-month period of weapons purchased under subsection (a).

(Added Pub. L. 109-163, div. A, title XII, §1231(a), Jan. 6, 2006, 119 Stat. 3467.)

Editorial Notes

CODIFICATION

Another section 127c was renumbered section 127d of this title prior to being renumbered section 331 of this title.

§ 127d. Support of special operations for irregular warfare

(a) **AUTHORITY.**—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to \$20,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing and authorized irregular warfare operations by United States Special Operations Forces.

(b) **FUNDS.**—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

(c) PROCEDURES.—

(1) **IN GENERAL.**—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section.

(2) **ELEMENTS.**—The procedures required under paragraph (1) shall establish, at a minimum, the following:

(A) Policy guidance for the execution of, and constraints within, activities under the authority in this section.

(B) The processes through which activities under the authority in this section are to be developed, validated, and coordinated, as appropriate, with relevant entities of the United States Government.

(C) The processes through which legal reviews and determinations are made to comply with the authority in this section and ensure that the exercise of such authority is consistent with the national security of the United States.

(D) The processes to ensure, to the extent practicable, that before a decision to provide support is made, the recipients of support do not pose a counterintelligence or force protection threat and have not engaged in gross violations of human rights.

(E) The processes by which the Department shall keep the congressional defense committees fully and currently informed of—

(i) the requirements for the use of the authority in this section; and

(ii) activities conducted under such authority.

(3) **NOTICE TO CONGRESS ON PROCEDURES AND MATERIAL MODIFICATIONS.**—The Secretary shall notify the congressional defense committees of the procedures established pursuant to this section before any exercise of the authority in this section, and shall notify such committee of any material modification of the procedures.

(d) **CONSTRUCTION OF AUTHORITY.**—Nothing in this section shall be construed to constitute a specific statutory authorization for any of the following:

(1) The conduct of a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

(2) The introduction of United States Armed Forces (including as such term is defined in section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c))) into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(3) The provision of support to regular forces, irregular forces, groups, or individuals for the conduct of operations that United States Special Operations Forces are not otherwise legally authorized to conduct themselves.

(4) The conduct or support of activities, directly or indirectly, that are inconsistent with the laws of armed conflict.

(e) **LIMITATION ON DELEGATION.**—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.