

“(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

“(1) ARRANGEMENT OR AGREEMENT REQUIRED.—The participation of the Department of Defense in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

“(2) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

“(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every 5 years, through the ATARES program.

“(c) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

“(1) pay the Department of Defense’s equitable share of the operating expenses of the Center and the ATARES program from funds available to the Department of Defense for operation and maintenance; and

“(2) assign members of the Armed Forces or Department of Defense civilian personnel, within billets authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill the obligations of the Department of Defense under that arrangement or agreement.”

§ 2350p. Reciprocal patient movement agreements

(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary of Defense, with the concurrence of the Secretary of State, may enter into a bilateral or multilateral memorandum of understanding or other formal agreement with one or more governments of partner countries that provides for—

(1) the interchangeable, nonreimbursable use of patient movement personnel, either individually or as members of a patient movement crew or team, and equipment, belonging to one partner country to perform patient movement services aboard the aircraft, vessels, or vehicles of another partner country;

(2) the reciprocal recognition and acceptance of—

(A) national professional credentials, certifications, and licenses of patient movement personnel; and

(B) national certifications, approvals, and licenses of equipment used in the provision of patient movement services; and

(3) the acceptance of agreed-upon standards for the provision of patient movement services by aircraft, vessel, or vehicle, including, as determined to be beneficial and otherwise permitted by law, the harmonization of patient treatment standards and procedures.

(b) CERTIFICATION.—(1) Before entering into a memorandum of understanding or other formal agreement with the government of a partner country under this section, the Secretary of Defense shall certify in writing that the professional credentials, certifications, licenses, and approvals for patient movement personnel and patient movement equipment of the partner country—

(A) meet or exceed the equivalent standards of the United States for similar personnel and equipment; and

(B) will provide for a level of care comparable to, or better than, the level of care provided by the Department of Defense.

(2) A certification under paragraph (1) shall be—

(A) submitted to the appropriate committees of Congress not later than 15 days after the date on which the Secretary of Defense makes the certification; and

(B) reviewed and recertified by the Secretary of Defense not less frequently than annually.

(c) SUSPENSION.—If the Secretary of Defense is unable to recertify a partner country as required by subsection (b)(2)(B), use of the personnel or equipment of the partner country by the Department of Defense under a memorandum of understanding or other formal agreement concluded pursuant to subsection (a) shall be suspended until the date on which the Secretary of Defense is able to recertify the partner country.

(d) DEFINITIONS.—In this section:

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

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) PARTNER COUNTRY.—The term “partner country” means any of the following:

(A) A member country of the North Atlantic Treaty Organization.

(B) Australia.

(C) Japan.

(D) New Zealand.

(E) The Republic of Korea.

(F) Any other country designated as a partner country by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

(3) PATIENT MOVEMENT.—The term “patient movement” means the act or process of moving wounded, ill, injured, or other persons (including contaminated, contagious, and potentially exposed patients) to obtain medical, surgical, mental health, or dental care or treatment.

(Added Pub. L. 116–283, div. A, title XII, § 1204(a), Jan. 1, 2021, 134 Stat. 3911.)

§ 2350q. Execution of projects under the North Atlantic Treaty Organization Security Investment Program

(a) AUTHORITY TO EXECUTE PROJECTS.—When the United States is designated as the Host Nation for purposes of executing a project under the North Atlantic Treaty Organization Security Investment Program (in this section referred to as the “Program”), the Secretary of Defense may accept such designation and carry out such project consistent with the requirements of this section.

(b) PROJECT FUNDING.—The Secretary of Defense may fund authorized expenditures of projects accepted under subsection (a) with—

- (1) contributions under subsection (c);
- (2) appropriations of the Department of Defense for the Program when directed by the North Atlantic Treaty Organization to apply amounts of such appropriations as part of the share of contributions of the United States for the Program; or
- (3) any combination of amounts described in paragraphs (1) and (2).

(c) **AUTHORITY TO ACCEPT CONTRIBUTIONS.**—(1) The Secretary of Defense may accept contributions from the North Atlantic Treaty Organization and member nations of the North Atlantic Treaty Organization for the purpose of carrying out a project under subsection (a).

(2) Contributions accepted under paragraph (1) shall be placed in an account established for the purpose of carrying out the project for which the funds were provided and shall remain available until expended.

(3)(A) If contributions are made under paragraph (1) as reimbursement for a project or portion of a project previously completed by the Department of Defense, such contributions shall be credited to—

- (i) the appropriations used for the project or portion thereof, if such appropriations have not yet expired; or
- (ii) the appropriations for the Program, if the appropriations described in clause (i) have expired.

(B) Funding credited under subparagraph (A) shall merge with and remain available for the same purposes and duration as the appropriations to which credited.

(d) **OBLIGATION AUTHORITY.**—The construction agent of the Department of Defense designated by the Secretary of Defense to execute a project under subsection (a) may recognize the North Atlantic Treaty Organization project authorization amounts as budgetary resources to incur obligations against for the purposes of executing the project.

(e) **INSUFFICIENT CONTRIBUTIONS.**—(1) In the event that the North Atlantic Treaty Organization does not agree to contribute funding for all costs necessary for the Department of Defense to carry out a project under subsection (a), including necessary personnel costs of the construction agent designated by the Department of Defense, contract claims, and any conjunctive funding requirements that exceed the project authorization or standards of the North Atlantic Treaty Organization, the Secretary of Defense, upon determination that completion of the project is in the national interest of the United States, may fund such costs, and undertake such conjunctively funded requirements not otherwise authorized by law, using any unobligated funds available among funds appropriated for the Program for military construction.

(2) The use of funds under paragraph (1) from appropriations for the Program may be in addition to or in place of any other funding sources otherwise available for the purposes for which those funds are used.

(f) **AUTHORIZED EXPENDITURES DEFINED.**—In this section, the term “authorized expenditures” means project expenses for which the North Atlantic Treaty Organization has agreed to contribute funding.

(Added Pub. L. 116–283, div. B, title XXV, §2503(a), Jan. 1, 2021, 134 Stat. 4309; amended Pub. L. 117–81, div. A, title X, §1081(a)(29), Dec. 27, 2021, 135 Stat. 1921.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81 renumbered a second section 2350m of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 116–283, div. B, §2003, Jan. 1, 2021, 134 Stat. 4295, provided that: “Titles XXI through XXVII and title XXIX [see Tables for classification] shall take effect on the later of—

- “(1) October 1, 2020; or
- “(2) the date of the enactment of this Act [Jan. 1, 2021].”

§ 2350r. North Atlantic Treaty Organization Allied Special Operations Forces Command

(a) **AUTHORIZATION.**—Of the amounts authorized to be appropriated for each fiscal year for operation and maintenance for the Army, the Secretary of Defense is authorized to use up to \$55,000,000, to be derived from amounts made available for support of North Atlantic Treaty Organization (referred to in this section as “NATO”) operations, for each such fiscal year for the purposes set forth in subsection (b).

(b) **PURPOSES.**—The Secretary shall provide funds for the NATO Allied Special Operations Forces Command—

- (1) to improve coordination and cooperation between the special operations forces of NATO countries and countries approved by the North Atlantic Council as NATO partners;
- (2) to facilitate joint operations by the special operations forces of NATO countries and such NATO partners;
- (3) to support special operations forces peculiar command, control, and communications capabilities;
- (4) to promote special operations forces intelligence and informational requirements within the NATO structure; and
- (5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(Added Pub. L. 117–263, div. A, title XII, §1271(a), Dec. 23, 2022, 136 Stat. 2860; amended Pub. L. 118–159, div. A, title XIII, §1301(a), Dec. 23, 2024, 138 Stat. 2110.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, §1301(a)(1), substituted “Allied Special Operations Forces Command” for “Special Operations Headquarters” in section catchline.

Subsec. (a). Pub. L. 118–159, §1301(a)(2), substituted “\$55,000,000” for “\$50,000,000”.

Subsec. (b). Pub. L. 118–159, §1301(a)(3), substituted “Allied Special Operations Forces Command” for “Special Operations Headquarters” in introductory provisions.