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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 tech-

nology 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 as-

sistance 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 through 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 inter-agency 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 [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