

**§ 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)<sup>1</sup> 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(I)(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 (a)(1), was repealed by Pub.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(I)(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))”.

<sup>1</sup> 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-