

gether with a specific date by which those receivers and other techniques could be operational with United States military forces.”

LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED

Pub. L. 103-160, div. A, title I, § 152(b), Nov. 30, 1993, 107 Stat. 1578, as amended by Pub. L. 105-261, div. A, title II, § 218(e), Oct. 17, 1998, 112 Stat. 1952; Pub. L. 109-163, div. A, title II, § 260(a), Jan. 6, 2006, 119 Stat. 3185, provided that: “After September 30, 2007, funds may not be obligated to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver.”

[Pub. L. 109-163, div. A, title II, § 260(b), Jan. 6, 2006, 119 Stat. 3186, provided that: “The amendment made by subsection (a) [amending section 152(b) of Pub. L. 103-160, set out above] shall be deemed to have taken effect at the close of September 30, 2005, and any obligation or expenditure of funds by the Department of Defense during the period beginning on October 1, 2005, and ending on the date of the enactment of this Act [Jan. 6, 2006] to modify or procure a Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver is hereby ratified with respect to the provision of law specified in subsection (a).”]

§ 2282. Authority to build the capacity of foreign security forces

(a) **AUTHORITY.**—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to conduct or support a program or programs as follows:

(1) To build the capacity of a foreign country’s national military forces in order for that country to—

(A) conduct counterterrorism operations; or

(B) participate in or support on-going allied or coalition military or stability operations that benefit the national security interests of the United States.

(2) To build the capacity of a foreign country’s national maritime or border security forces to conduct counterterrorism operations.

(3) To build the capacity of a foreign country’s national-level security forces that have among their functional responsibilities a counterterrorism mission in order for such forces to conduct counterterrorism operations.

(b) **TYPES OF CAPACITY BUILDING.**—

(1) **AUTHORIZED ELEMENTS.**—A program under subsection (a) may include the provision of equipment, supplies, training, defense services, and small-scale military construction.

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

(A) Observance of and respect for human rights and fundamental freedoms.

(B) Respect for civilian control of the military.

(c) **LIMITATIONS.**—

(1) **ANNUAL FUNDING LIMITATION.**—The Secretary of Defense may use amounts specifically authorized and appropriated or otherwise made available to carry out programs under this section on an annual basis to carry out programs authorized by subsection (a).

(2) **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 (b) that is otherwise prohibited by any provision of law.

(3) **LIMITATION ON ELIGIBLE COUNTRIES.**—The Secretary of Defense may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(4) **AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.**—

(A) **IN GENERAL.**—Amounts made available in a fiscal year to carry out the authority in subsection (a) may be used for programs under that authority that begin in the fiscal year such amounts are made available but end in the next fiscal year.

(B) **ACHIEVEMENT OF FULL OPERATIONAL CAPABILITY.**—If, in accordance with subparagraph (A), equipment is delivered under a program under the authority in subsection (a) in the fiscal year after the fiscal year in which the program begins, amounts for supplies, training, defense services, and small-scale military construction associated with such equipment and necessary to ensure that the recipient unit achieves full operational capability for such equipment may be used in the fiscal year in which the foreign country takes receipt of such equipment and in the next fiscal year.

(5) **LIMITATIONS ON AVAILABILITY OF FUNDS FOR SMALL-SCALE MILITARY CONSTRUCTION.**—

(A) **ACTIVITIES UNDER PARTICULAR PROGRAMS.**—The amount that may be obligated or expended for small-scale military construction activities under any particular program authorized under subsection (a) may not exceed \$750,000.

(B) **ACTIVITIES UNDER ALL PROGRAMS.**—The amount that may be obligated or expended for small-scale military construction activities during a fiscal year for all programs authorized under subsection (a) during that fiscal year may not exceed up to five percent of the amount made available in such fiscal year to carry out the authority in subsection (a).

(d) **FORMULATION AND EXECUTION OF PROGRAM.**—The Secretary of Defense and the Secretary of State shall jointly formulate any program under subsection (a). The Secretary of Defense shall coordinate with the Secretary of State in the implementation of any program under subsection (a).

(e) **CONGRESSIONAL NOTIFICATION.**—

(1) **IN GENERAL.**—Not less 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 notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be built under the program.

(B) The budget, implementation timeline with milestones, anticipated delivery schedule for assistance, military department responsible for management and associated

program executive office, and completion date for the program.

(C) The source and planned expenditure of funds to complete the program.

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

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

(F) Information, including the amount, type, and purpose, on the assistance provided the country during the three preceding fiscal years under each of the following programs, accounts, or activities:

(i) A program under this section.

(ii) The Foreign Military Financing program under the Arms Export Control Act.

(iii) Peacekeeping Operations.

(iv) The International Narcotics Control and Law Enforcement (INCLE) program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

(v) Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR).

(vi) Counterdrug activities authorized by section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and section 1033 of the National Defense Authorization Act for Fiscal Year 1998.

(vii) Any other significant program, account, or activity for the provision of security assistance that the Secretary of Defense and the Secretary of State consider appropriate.

(G) An assessment of the capacity of the recipient country to absorb assistance under the program.

(H) An assessment of the manner in which the program fits into the theater security cooperation strategy of the applicable geographic combatant command.

(2) COORDINATION WITH SECRETARY OF STATE.—Any notice under paragraph (1) shall be prepared in coordination with the Secretary of State.

(f) ASSESSMENTS OF PROGRAMS.—Amounts available to conduct or support programs under subsection (a) shall be available to the Secretary of Defense to conduct assessments and determine the effectiveness of such programs in building the operational capacity and performance of the recipient units concerned.

(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 Foreign Relations, and the Committee on Appropriations of the Senate; and

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

(Added Pub. L. 113-291, div. A, title XII, §1205(a)(1), Dec. 19, 2014, 128 Stat. 3533.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (e)(1)(F)(ii), 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.

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

PRIOR PROVISIONS

A prior section 2282, added Pub. L. 106-398, §1 [[div. A], title I, §131(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-28; amended Pub. L. 108-136, div. A, title X, §1031(a)(14), Nov. 24, 2003, 117 Stat. 1597, related to annual report on the B-2 bomber aircraft, prior to repeal by Pub. L. 112-81, div. A, title X, §1061(13)(A), Dec. 31, 2011, 125 Stat. 1583.

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, provided that:

“(a) IN GENERAL.—The Secretary of Defense is authorized to conduct human rights training of security forces and associated security ministries of foreign countries.

“(b) CONSTRUCTION WITH LIMITATION ON USE OF FUNDS.—Human rights training authorized by this section may be conducted for security forces otherwise prohibited from receiving such training under any provision of law only if—

“(1) such training is conducted in the country of origin of the security forces;

“(2) such training is withheld from any individual of a unit when there is credible information that such individual has committed a gross violation of human rights or has commanded a unit that has committed a gross violation of human rights;

“(3) such training may be considered a corrective step, but is not sufficient for meeting the accountability requirement under the exception established in subsection (b) of section 2249e of title 10, United States Code (as added by section 1204(a) of this Act); and

“(4) reasonable efforts have been made to assist the foreign country to take all necessary corrective steps regarding a gross violation of human rights with respect to the unit, including using funds authorized by this Act [see Tables for classification] to provide technical assistance or other types of support for accountability.

“(c) ROLE OF THE SECRETARY OF STATE.—

“(1) CONCURRENCE.—Training activities may be conducted under this section only with the concurrence of the Secretary of State.

“(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State on the content of the training, the methods of instruction to be provided, and the intended beneficiaries of training conducted under this section.

“(d) AUTHORIZED ACTIVITIES.—Human rights training authorized by this section may include associated activities and expenses necessary for the conduct of training and assessments designed to further the purposes of this section, including technical assistance or other types of support for accountability.

“(e) ANNUAL REPORTS.—Not later than March 31 each year through 2020, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the use of the authority in this section during the

preceding fiscal year. Each report shall include information on any human rights training (as defined in subsection (f)) or other assistance that was provided during the fiscal year to foreign security forces.

“(f) DEFINITIONS.—In this section

“(1) 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) The term ‘human rights training’ means training for the purpose of directly improving the conduct of foreign security forces to—

“(A) prevent gross violations of human rights and support accountability for such violations;

“(B) strengthen compliance with the laws of armed conflict and respect for civilian control over the military;

“(C) promote and assist in the establishment of a military justice system and other mechanisms for accountability; and

“(D) prevent the use of child soldiers.

“(g) SUNSET.—The authority in subsection (a) shall expire on September 30, 2020.”

CHAPTER 137—PROCUREMENT GENERALLY

- Sec.
- [2301. Repealed.]
- 2302. Definitions.
- 2302a. Simplified acquisition threshold.
- 2302b. Implementation of simplified acquisition procedures.
- 2302c. Implementation of electronic commerce capability.
- 2302d. Major system: definitional threshold amounts.
- 2303. Applicability of chapter.
- [2303a. Repealed.]
- 2304. Contracts: competition requirements.
- 2304a. Task and delivery order contracts: general authority.
- 2304b. Task order contracts: advisory and assistance services.
- 2304c. Task and delivery order contracts: orders.
- 2304d. Task and delivery order contracts: definitions.
- 2304e. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities.
- 2305. Contracts: planning, solicitation, evaluation, and award procedures.
- 2305a. Design-build selection procedures.
- 2306. Kinds of contracts.
- 2306a. Cost or pricing data: truth in negotiations.
- 2306b. Multiyear contracts: acquisition of property.
- 2306c. Multiyear contracts: acquisition of services.
- 2307. Contract financing.
- 2308. Buy-to-budget acquisition: end items.
- 2309. Allocation of appropriations.
- 2310. Determinations and decisions.
- 2311. Assignment and delegation of procurement functions and responsibilities.
- 2312. Remission of liquidated damages.
- 2313. Examination of records of contractor.
- 2313a. Defense Contract Audit Agency: annual report.
- 2314. Laws inapplicable to agencies named in section 2303 of this title.
- 2315. Law inapplicable to the procurement of automatic data processing equipment and services for certain defense purposes.
- 2316. Disclosure of identity of contractor.
- [2317. Repealed.]
- 2318. Advocates for competition.
- 2319. Encouragement of new competitors.
- 2320. Rights in technical data.

- Sec.
- 2321. Validation of proprietary data restrictions.
- [2322. Repealed.]
- 2323. Contract goal for small disadvantaged businesses and certain institutions of higher education.
- 2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses and certain institutions of higher education.
- 2324. Allowable costs under defense contracts.
- 2325. Restructuring costs.
- 2326. Undefined contractual actions: restrictions.
- 2327. Contracts: consideration of national security objectives.
- 2328. Release of technical data under Freedom of Information Act: recovery of costs.
- [2329. Repealed.]
- 2330. Procurement of contract services: management structure.
- 2330a. Procurement of services: tracking of purchases.
- 2331. Procurement of services: contracts for professional and technical services.
- 2332. Share-in-savings contracts.
- 2333. Joint policies on requirements definition, contingency program management, and contingency contracting.
- 2334. Independent cost estimation and cost analysis.
- 2335. Prohibition on collection of political information.
- [2336. Repealed.]
- 2337. Life-cycle management and product support.

AMENDMENTS

- 2014—Pub. L. 113-291, div. A, title III, §351(c)(1), Dec. 19, 2014, 128 Stat. 3347, struck out item 2336 “Intergovernmental support agreements with State and local governments”.
- 2013—Pub. L. 112-239, div. A, title III, §331(b), title VIII, §823(a)(2), Jan. 2, 2013, 126 Stat. 1697, 1832, added items 2336 and 2337.
- 2011—Pub. L. 112-81, div. A, title VIII, §805(b), 823(b), Dec. 31, 2011, 125 Stat. 1486, 1503, added items 2313a and 2335.
- 2009—Pub. L. 111-23, title I, §101(b)(2), May 22, 2009, 123 Stat. 1709, added item 2334.
- 2008—Pub. L. 110-181, div. A, title X, §1063(a)(10), Jan. 28, 2008, 122 Stat. 322, added item 2333 and struck out former item 2333 “Joint policies on requirements definition, contingency contracting, and program management”.
- 2006—Pub. L. 109-364, div. A, title VIII, §854(a)(2), Oct. 17, 2006, 120 Stat. 2346, added item 2333.
- Pub. L. 109-163, div. A, title VIII, §812(a)(2), Jan. 6, 2006, 119 Stat. 3378, substituted “Procurement of contract services: management structure” for “Procurement of services: management structure” in item 2330.
- 2002—Pub. L. 107-347, title II, §210(a)(2), Dec. 17, 2002, 116 Stat. 2934, added item 2332.
- Pub. L. 107-314, div. A, title VIII, §801(a)(2), Dec. 2, 2002, 116 Stat. 2602, added item 2308.
- 2001—Pub. L. 107-107, div. A, title VIII, §801(g)(2), Dec. 28, 2001, 115 Stat. 1178, added items 2330, 2330a, and 2331 and struck out former item 2331 “Contracts for professional and technical services”.
- 2000—Pub. L. 106-398, §1 [[div. A], title VIII, §802(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-205, added item 2306c.
- 1998—Pub. L. 105-261, div. A, title X, §1069(a)(3), Oct. 17, 1998, 112 Stat. 2135, substituted “electronic commerce capability” for “FACNET capability” in item 2302c.
- 1997—Pub. L. 105-85, div. A, title VIII, §804(a)(2), title X, §1073(a)(48)(B), Nov. 18, 1997, 111 Stat. 1833, 1903, substituted “contracts: acquisition of property” for “contracts” in item 2306b and added item 2325.
- 1996—Pub. L. 104-201, div. A, title VIII, §805(b), Sept. 23, 1996, 110 Stat. 2606, added item 2302d.