

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.)

REPEAL OF SECTION

Pub. L. 114–328, div. A, title XII, § 1241(d)(5), Dec. 23, 2016, 130 Stat. 2504, provided that, effective as of the date that is 270 days after Dec. 23, 2016, this section is repealed.

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.

EFFECTIVE DATE OF REPEAL

Pub. L. 114–328, div. A, title XII, § 1241(d)(5), Dec. 23, 2016, 130 Stat. 2504, provided that the repeal of this section is effective as of the date that is 270 days after Dec. 23, 2016.

AUTHORITY TO PROVIDE SUPPORT TO NATIONAL MILITARY FORCES OF ALLIED COUNTRIES FOR COUNTER-TERRORISM OPERATIONS IN AFRICA

Pub. L. 114–92, div. A, title XII, § 1207, Nov. 25, 2015, 129 Stat. 1040, provided authority to provide support to national military forces of allied countries for counterterrorism operations in Africa, prior to repeal by Pub. L. 114–328, div. A, title XII, § 1245(c), Dec. 23, 2016, 130 Stat. 2520.

TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES

Pub. L. 114–92, div. A, title XII, § 1251, Nov. 25, 2015, 129 Stat. 1070, as amended by Pub. L. 114–328, div. A, title XII, § 1233, Dec. 23, 2016, 130 Stat. 2489, provided that:

“(a) AUTHORITY.—The Secretary of Defense may provide the training specified in subsection (b), and pay the incremental expenses incurred by a country as the direct result of participation in such training, for the national security forces provided for under subsection (c).

“(b) TYPES OF TRAINING.—The training provided to the national military forces of a country under subsection (a) shall be limited to training that is—

“(1) provided in the course of the conduct of a multilateral exercise in which the United States Armed Forces are a participant;

“(2) comparable to or complimentary of the types of training the United States Armed Forces receive in the course of such multilateral exercise; and

“(3) for any purpose as follows:

“(A) To enhance and increase the interoperability of the military forces to be trained to increase their ability to participate in coalition efforts led by the United States or the North Atlantic Treaty Organization (NATO).

“(B) To increase the capacity of such military forces to respond to external threats.

“(C) To increase the capacity of such military forces to respond to hybrid warfare.

“(D) To increase the capacity of such military forces to respond to calls for collective action within the North Atlantic Treaty Organization.

“(c) ELIGIBLE COUNTRIES.—

“(1) IN GENERAL.—Training may be provided under subsection (a) to the national military forces of the countries determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be appropriate recipients of such training from among the countries as follows:

“(A) Countries that are a signatory to the Partnership for Peace Framework Documents, but not a member of the North Atlantic Treaty Organization.

“(B) Countries that became a member of the North Atlantic Treaty Organization after January 1, 1999.

“(2) ELIGIBLE COUNTRIES.—Before providing training under subsection (a), the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a list of the countries determined pursuant to paragraph (1) to be eligible for the provision of training under subsection (a).

“(d) FUNDING OF INCREMENTAL EXPENSES.—

“(1) ANNUAL FUNDING.—Of the amounts specified in paragraph (2) for a fiscal year, up to a total of

\$28,000,000 may be used to pay incremental expenses under subsection (a) in that fiscal year.

“(2) AMOUNTS.—The amounts specified in this paragraph are as follows:

“(A) Amounts authorized to be appropriated for a fiscal year for operation and maintenance, Army, and available for the Combatant Commands Direct Support Program for that fiscal year.

“(B) Amounts authorized to be appropriated for a fiscal year for operation and maintenance, Defense-wide, and available for the Wales Initiative Fund for that fiscal year.

“(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available for additional activities for the European Deterrence Initiative for that fiscal year.

“(3) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available in a fiscal year pursuant to this subsection may be used for incremental expenses of training that begins in that fiscal year and ends in the next fiscal year.

“(e) BRIEFING TO CONGRESS ON USE OF AUTHORITY.—Not later than 90 days after the end of each fiscal year in which the authority in subsection (a) is used, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the use of the authority during such fiscal year, including each country with which training under the authority was conducted and the types of training provided.

“(f) CONSTRUCTION OF AUTHORITY.—The authority provided in subsection (a) is in addition to any other authority provided by law authorizing the provision of training for the national military forces of a foreign country, including section 2282 of title 10, United States Code.

“(g) INCREMENTAL EXPENSES DEFINED.—In this section, the term ‘incremental expenses’ means the reasonable and proper cost of the goods and services that are consumed by a country as a direct result of that country’s participation in training under the authority of this section, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of a country’s personnel.

“(h) TERMINATION OF AUTHORITY.—The authority under this section shall terminate on September 30, 2018. Any activity under this section initiated before that date may be completed, but only using funds available for fiscal years 2016 through 2018.”

SOUTHEAST ASIA MARITIME SECURITY INITIATIVE

Pub. L. 114–92, div. A, title XII, §1263, Nov. 25, 2015, 129 Stat. 1073, as amended by Pub. L. 114–328, div. A, title XII, §1289, Dec. 23, 2016, 130 Stat. 2555, provided that:

“(a) ASSISTANCE AND TRAINING.—

“(1) IN GENERAL.—The Secretary of Defense is authorized, with the concurrence of the Secretary of State, for the purpose of increasing maritime security and maritime domain awareness of foreign countries along the South China Sea—

“(A) to provide assistance to national military or other security forces of such countries that have among their functional responsibilities maritime security missions; and

“(B) to provide training to ministry, agency, and headquarters level organizations for such forces.

“(2) DESIGNATION OF ASSISTANCE AND TRAINING.—The provision of assistance and training under this section may be referred to as the ‘Southeast Asia Maritime Security Initiative’.

“(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under subsection (a) are the following:

“(1) Indonesia.

“(2) Malaysia.[.]

“(3) The Philippines.

“(4) Thailand.

“(5) Vietnam.

“(c) TYPES OF ASSISTANCE AND TRAINING.—

“(1) AUTHORIZED ELEMENTS OF ASSISTANCE.—Assistance provided under subsection (a)(1)(A) may include the provision of equipment, supplies, training, and small-scale military construction.

“(2) REQUIRED ELEMENTS OF ASSISTANCE AND TRAINING.—Assistance and training provided under subsection (a) shall include elements that promote the following:

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

“(B) Respect for legitimate civilian authority within the country to which the assistance is provided.

“(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—In developing programs for assistance or training to be provided under subsection (a), the Secretary of Defense shall accord a priority to assistance, training, or both that will enhance the maritime capabilities of the recipient foreign country, or a regional organization of which the recipient country is a member, to respond to emerging threats to maritime security.

“(e) INCREMENTAL EXPENSES OF PERSONNEL OF CERTAIN OTHER COUNTRIES FOR TRAINING.—

“(1) AUTHORITY FOR PAYMENT.—If the Secretary of Defense determines that the payment of incremental expenses in connection with training described in subsection (a)(1)(B) will facilitate the participation in such training of organization personnel of foreign countries specified in paragraph (2), the Secretary may use amounts available under subsection (f) for assistance and training under subsection (a) for the payment of such incremental expenses.

“(2) COVERED COUNTRIES.—The foreign countries specified in this paragraph are the following:

“(A) Brunei.

“(B) Singapore.

“(C) Taiwan.

“(f) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Of the amounts authorized to be appropriated for fiscal year 2016 for the Department of Defense, \$50,000,000 may be available for the provision of assistance and training under subsection (a).

“(2) NOTICE ON SOURCE OF FUNDS.—If the Secretary of Defense uses funds available to the Department pursuant to paragraph (1) to provide assistance and training under subsection (a) during a fiscal half-year of fiscal year 2016, not later than 30 days after the end of such fiscal half-year, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a notice on the account or accounts providing such funds.

“(g) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—

“(1) IN GENERAL.—Not later than 15 days before exercising the authority under subsection (a) or (e) with respect to a recipient foreign country, the Secretary of Defense shall submit to the appropriate committees of Congress a notification containing the following:

“(A) The recipient foreign country.

“(B) A detailed justification of the program for the provision of the assistance or training concerned, and its relationship to United States security interests.

“(C) The budget for the program, including a timetable of planned expenditures of funds to implement the program, an implementation timeline for the program with milestones (including anticipated delivery schedules for any assistance under the program), the military department or component responsible for management of the program, and the anticipated completion date for the program.

“(D) A description of the arrangements, if any, to support host nation sustainment of any capability developed pursuant to the program, and the source of funds to support sustainment efforts and performance outcomes to be achieved under the program beyond its completion date, if applicable.

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

“(F) Such other matters as the Secretary considers appropriate.

“(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, 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.

“(h) EXPIRATION.—Assistance and training may not be provided under this section after September 30, 2020.”

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 [now 362] 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.	Repealed.]
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.
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.