

(6) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

[(d) Repealed. Pub. L. 108–136, div. A, title X, § 1031(a)(3), Nov. 24, 2003, 117 Stat. 1596.]

(e) LIMITATIONS.—(1) The Secretary may not restore balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

(2) The Secretary may not restore balances in the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an operation and maintenance appropriation that are available within that appropriation for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

(f) SUBMISSION OF REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS.—It is the sense of Congress that whenever there is an operation described in subsection (a), the President should, not later than 90 days after the date on which notification is provided pursuant to subsection (a)(3), submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section and should, as necessary, submit subsequent requests for the enactment of such appropriations.

(g) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation). Incremental costs do not include the cost of property or services acquired by the Department that are paid for by a source outside the Department or out of funds contributed by such a source.

(h) RELATIONSHIP TO WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

(i) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

(Added Pub. L. 103–160, div. A, title XI, § 1108(a)(1), Nov. 30, 1993, 107 Stat. 1751; amended Pub. L. 104–106, div. A, title X, § 1003(a)(1), Feb. 10, 1996, 110 Stat. 415; Pub. L. 108–136, div. A, title X, § 1031(a)(3), Nov. 24, 2003, 117 Stat. 1596; Pub. L. 111–383, div. A, title X, § 1075(b)(2), Jan. 7, 2011, 124 Stat. 4369; Pub. L. 112–81, div. A, title X, § 1061(1), Dec. 31, 2011, 125 Stat. 1583.)

REFERENCES IN TEXT

The War Powers Resolution, referred to in subsec. (h), is Pub. L. 93–148, Nov. 7, 1973, 87 Stat. 555, which is classified generally to chapter 33 (§ 1541 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of Title 50 and Tables.

AMENDMENTS

2011—Subsec. (a)(1)(A). Pub. L. 111–383, § 1075(b)(2)(A), substituted “armed forces” for “Armed Forces”.

Subsec. (a)(3), (4). Pub. L. 112–81 redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “Whenever an operation to which this section applies is commenced or subsequently becomes covered by this section, the Secretary of Defense shall designate and identify that operation for the purposes of this section and shall promptly notify Congress of that designation (and of the identification of the operation).”

Subsec. (b)(1). Pub. L. 111–383, § 1075(b)(2)(B), substituted “armed forces” for “Armed Forces” in two places.

2003—Subsec. (d). Pub. L. 108–136 struck out subsec. (d) which required Secretary of Defense, within 45 days after identifying an operation pursuant to subsec. (a)(2), to submit a report to Congress relating to the funding, objectives, duration, cost, and exit criteria of the operation.

1996—Pub. L. 104–106 substituted “Operations for which funds are not provided in advance: funding mechanisms” for “Expenses for contingency operations” as section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (h) relating to funding procedures for operations designated by the Secretary of Defense as National Contingency Operations.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–106, div. A, title X, § 1003(b), Feb. 10, 1996, 110 Stat. 417, provided that: “The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on the date of the enactment of this Act [Feb. 10, 1996] and shall apply to any operation of the Department of Defense that is in effect on or after that date, whether such operation is begun before, on, or after such date of enactment. In the case of an operation begun before such date, any reference in such section to the commencement of such operation shall be treated as referring to the effective date under the preceding sentence.”

INCREMENTAL CONTINGENCY OPERATIONS COST REPORT

Pub. L. 114–113, div. C, title VIII, § 8093, Dec. 18, 2015, 129 Stat. 2373, provided that: “The Department of Defense shall continue to report incremental contingency operations costs for Operation Inherent Resolve, Operation Freedom’s Sentinel, and any named successor operations, on a monthly basis and any other operation designated and identified by the Secretary of Defense for the purposes of section 127a of title 10, United States Code, on a semi-annual basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ‘Contingency Operations’, Annex 1, dated September 2005.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 113–235, div. C, title VIII, § 8097, Dec. 16, 2014, 128 Stat. 2276.

Pub. L. 113–76, div. C, title VIII, § 8092, Jan. 17, 2014, 128 Stat. 126.

§ 127b. Department of Defense rewards program

(a) AUTHORITY.—The Secretary of Defense may pay a monetary amount, or provide a payment-in-kind, to a person as a reward for providing

United States Government personnel, or government personnel of allied forces participating in a combined operation with the armed forces, with information or nonlethal assistance that is beneficial to—

(1) an operation or activity of the armed forces, or of allied forces participating in a combined operation with the armed forces, conducted outside the United States against international terrorism; or

(2) force protection of the armed forces, or of allied forces participating in a combined operation with the armed forces.

(b) LIMITATION.—The amount or value of a reward provided under this section may not exceed \$5,000,000.

(c) DELEGATION OF AUTHORITY.—(1) The authority of the Secretary of Defense under subsection (a) may be delegated only—

(A) to the Deputy Secretary of Defense and an Under Secretary of Defense, without further redelegation; and

(B) to the commander of a combatant command, but only for a reward in an amount or with a value not in excess of \$1,000,000.

(2) A commander of a combatant command to whom authority to provide rewards under this section is delegated under paragraph (1) may further delegate that authority, but only for a reward in an amount or with a value not in excess of \$10,000, except that such a delegation may be made to the commander's deputy commander, or to the commander of a command directly subordinate to that commander, without regard to such limitation. Such a delegation may be made to the commander of a command directly subordinate to the commander of a combatant command only with the approval of the Secretary of Defense, the Deputy Secretary of Defense, or an Under Secretary of Defense to whom authority has been delegated under subparagraph (1)(A).

(3)(A) Subject to subparagraph (B), an official who has authority delegated under paragraph (1) or (2) may use that authority, acting through government personnel of allied forces, to offer and make rewards.

(B) The Secretary of Defense shall prescribe policies and procedures for making rewards in the manner described in subparagraph (A), which shall include guidance for the accountability of funds used for making rewards in that manner. The policies and procedures shall not take effect until 30 days after the date on which the Secretary submits the policies and procedures to the congressional defense committees. Rewards may not be made in the manner described in subparagraph (A) except under policies and procedures that have taken effect.

(d) COORDINATION.—(1) The Secretary of Defense shall prescribe policies and procedures for the offering and making of rewards under this section and otherwise for administering the authority under this section. Such policies and procedures shall be prescribed in consultation with the Secretary of State and the Attorney General and shall ensure that the making of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

(2) The Secretary of Defense shall consult with the Secretary of State regarding the making of any reward under this section in an amount or with a value in excess of \$2,000,000.

(e) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive a reward under this section:

(1) A citizen of the United States.

(2) An officer or employee of the United States.

(3) An employee of a contractor of the United States.

(f) ANNUAL REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the rewards program under this section during the preceding fiscal year.

(2) Each report for a fiscal year under this subsection shall include the following:

(A) Information on the total amount expended during that fiscal year to carry out the rewards program under this section during that fiscal year.

(B) Specification of the amount, if any, expended during that fiscal year to publicize the availability of rewards under this section.

(C) With respect to each reward provided during that fiscal year—

(i) the amount or value of the reward and whether the reward was provided as a monetary payment or in some other form;

(ii) the recipient of the reward and the recipient's geographic location; and

(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance and benefit of the information or assistance.

(D) A description of the status of program implementation in each geographic combatant command, including in which countries the program is being operated.

(E) A description of efforts to coordinate and de-conflict the authority under subsection (a) with similar rewards programs administered by the United States Government.

(F) An assessment of the effectiveness of the program in meeting its objectives.

(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

(g) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section is final and conclusive and is not subject to judicial review.

(h) REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID.—Not later than 15 days after the date on which the Secretary designates a country as a country in which an operation or activity of the armed forces is occurring in connection with which rewards may be paid under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the designation. Each report shall include the following:

(1) The country so designated.

(2) The reason and justification for the designation of the country.

(3) An estimate of the amount or value of the rewards to be paid as monetary payment or payment-in-kind under this section.

(Added Pub. L. 107-314, div. A, title X, §1065(a), Dec. 2, 2002, 116 Stat. 2655; amended Pub. L. 109-163, div. A, title X, §1056(c)(2), Jan. 6, 2006, 119 Stat. 3439; Pub. L. 109-364, div. A, title XIV, §1401, Oct. 17, 2006, 120 Stat. 2433; Pub. L. 110-181, div. A, title X, §1033, Jan. 28, 2008, 122 Stat. 307; Pub. L. 111-84, div. A, title X, §1071, Oct. 28, 2009, 123 Stat. 2470; Pub. L. 111-383, div. A, title X, §1031, Jan. 7, 2011, 124 Stat. 4351; Pub. L. 112-81, div. A, title X, §§1033, 1064(3), Dec. 31, 2011, 125 Stat. 1572, 1587; Pub. L. 112-239, div. A, title X, §1021(a), Jan. 2, 2013, 126 Stat. 1911; Pub. L. 113-291, div. A, title X, §1031, Dec. 19, 2014, 128 Stat. 3491; Pub. L. 114-92, div. A, title X, §1042(a)-(d)(1), Nov. 25, 2015, 129 Stat. 976; Pub. L. 114-328, div. A, title X, §1063, Dec. 23, 2016, 130 Stat. 2408.)

AMENDMENTS

2016—Subsec. (h)(2). Pub. L. 114-328, §1063(1), inserted “and justification” after “reason”.

Subsec. (h)(3). Pub. L. 114-328, §1063(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “A justification for the designation of the country for purposes of this section.”

2015—Pub. L. 114-92, §1042(d)(1), substituted “Department of Defense rewards program” for “Assistance in combating terrorism: rewards” in section catchline.

Subsec. (c)(3)(A). Pub. L. 114-92, §1042(a)(1), substituted “subparagraph (B)” for “subparagraphs (B) and (C)”.

Subsec. (c)(3)(C), (D). Pub. L. 114-92, §1042(a)(2), struck out subpars. (C) and (D) which read as follows: “(C) Rewards may not be made in the manner described in subparagraph (A) after September 30, 2015.

“(D) Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this paragraph. The report shall identify each reward made in the manner described in subparagraph (A) and, for each such reward—

“(i) identify the type, amount, and recipient of the reward;

“(ii) explain the reason for making the reward; and

“(iii) assess the success of the reward in advancing the effort to combat terrorism.”

Subsec. (f)(2)(D) to (G). Pub. L. 114-92, §1042(b), redesignated subpars. (E) to (G) as (D) to (F), respectively, inserted “, including in which countries the program is being operated” before period at end of subpar. (D), and struck out former subpar. (D) which read as follows: “Information on the implementation of paragraph (3) of subsection (c).”

Subsec. (h). Pub. L. 114-92, §1042(c), added subsec. (h). 2014—Subsec. (c)(3)(C). Pub. L. 113-291 substituted “September 30, 2015” for “September 30, 2014”.

2013—Subsec. (c)(3)(C). Pub. L. 112-239 substituted “September 30, 2014” for “September 30, 2013”.

2011—Subsec. (c)(3)(C). Pub. L. 112-81, §1033(1), substituted “September 30, 2013” for “September 30, 2011”. Pub. L. 111-383 substituted “2011” for “2010”.

Subsec. (f)(1). Pub. L. 112-81, §1064(3), which directed the substitution of “February 1” for “December 1”, could not be executed because of the intervening amendment by Pub. L. 112-81, §1033(2)(A). See note below.

Pub. L. 112-81, §1033(2)(A), substituted “February” for “December”.

Subsec. (f)(2)(C)(ii). Pub. L. 112-81, §1033(2)(B)(i), inserted “and the recipient’s geographic location” after “reward”.

Subsec. (f)(2)(E) to (G). Pub. L. 112-81, §1033(2)(B)(ii), added subpars. (E) to (G).

2009—Subsec. (c)(3)(C). Pub. L. 111-84 substituted “2010” for “2009”.

2008—Subsec. (a). Pub. L. 110-181, §1033(b)(1)(A), in introductory provisions, inserted “, or government personnel of allied forces participating in a combined operation with the armed forces,” after “United States Government personnel”.

Subsec. (a)(1). Pub. L. 110-181, §1033(b)(1)(B), inserted “, or of allied forces participating in a combined operation with the armed forces,” after “armed forces”.

Subsec. (a)(2). Pub. L. 110-181, §1033(b)(1)(C), inserted “, or of allied forces participating in a combined operation with the armed forces” after “armed forces”.

Subsec. (b). Pub. L. 110-181, §1033(a)(1), substituted “\$5,000,000” for “\$200,000”.

Subsec. (c)(1)(B). Pub. L. 110-181, §1033(a)(2), substituted “\$1,000,000” for “\$50,000”.

Subsec. (c)(3). Pub. L. 110-181, §1033(b)(2), added par. (3).

Subsec. (d)(2). Pub. L. 110-181, §1033(a)(3), substituted “\$2,000,000” for “\$100,000”.

Subsec. (f)(2)(D). Pub. L. 110-181, §1033(c), added subpar. (D).

2006—Subsec. (c)(2). Pub. L. 109-364 substituted “\$10,000” for “\$2,500”, inserted “, or to the commander of a command directly subordinate to that commander,” after “deputy commander”, and inserted at end “Such a delegation may be made to the commander of a command directly subordinate to the commander of a combatant command only with the approval of the Secretary of Defense, the Deputy Secretary of Defense, or an Under Secretary of Defense to whom authority has been delegated under subparagraph (1)(A).”

Subsec. (d)(1). Pub. L. 109-163 substituted “Such policies” for “Such polices”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (f) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

§ 127c. Purchase of weapons overseas: force protection

(a) **AUTHORITY.**—When elements of the armed forces are engaged in ongoing military operations in a country, the Secretary of Defense may, for the purpose of protecting United States forces in that country, purchase weapons from any foreign person, foreign government, international organization, or other entity located in that country.

(b) **LIMITATION.**—The total amount expended during any fiscal year for purchases under this section may not exceed \$15,000,000.

(c) **SEMIANNUAL CONGRESSIONAL REPORT.**—In any case in which the authority provided in subsection (a) is used during the period of the first six months of a fiscal year, or during the period of the second six months of a fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the use of that authority during that six-month period. Each such report shall be submitted not later than 30 days after the end of the six-month period during which the authority is used. Each such report shall include the following:

(1) The number and type of weapons purchased under subsection (a) during that six-month period covered by the report, together with the amount spent for those weapons and the Secretary’s estimate of the fair market value of those weapons.

(2) A description of the dispositions (if any) during that six-month period of weapons purchased under subsection (a).