

“(2) FORM OF REPORT.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.”  
 [Pub. L. 116–283, div. A, title X, §1056(c), Jan. 1, 2021, 134 Stat. 3856, provided that: “The Law Revision Counsel is directed to move section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 986; 10 U.S.C. 271 note prec.), as amended by this section, to a note following section 284 of title 10, United States Code.”]

**CHAPTER 16—SECURITY COOPERATION**

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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 \$1,500,000 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.)

**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**

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.”

**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 assistance 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 com-

mittees 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 Gov-

ernment 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 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

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| 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 Defense may enter into international defense personnel exchange agreements. Any exchange of personnel under such an agreement is subject to paragraph (3).

(2) For purposes of this section, an international defense personnel exchange agreement is an agreement with the government of a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange of—

(A) members of the armed forces and civilian personnel of the Department of Defense; and

(B) military and civilian personnel of the defense or security ministry of that foreign government or international or regional security organization.

(3) An exchange of personnel under an international defense personnel exchange agreement