

Sec.	
332.	Friendly foreign countries; international and regional organizations: defense institution capacity building.
333.	Foreign security forces: authority to build capacity.
334.	Administrative support and payment of certain expenses for covered foreign defense personnel.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. A, title XII, §1201(b), Dec. 27, 2021, 135 Stat. 1958, added item 334.

§ 331. Friendly foreign countries: authority to provide support for conduct of operations

(a) **AUTHORITY.**—The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

(b) **DESIGNATED OPERATIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

(2) **NOTICE TO CONGRESS.**—The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

(3) **ANNUAL REVIEW FOR CONTINUING DESIGNATION.**—The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation for purposes of this section for another year, the Secretary—

(A) may continue the designation of such operation under this subsection for such purposes for another year; and

(B) if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

(c) **TYPES OF SUPPORT AUTHORIZED.**—The types of support that may be provided under the authority in subsection (a) are the following:

(1) Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

(A) an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

(B) a military or stability operation that benefits the national security interests of the United States.

(2) Logistic support, supplies, and services—

(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign govern-

ment if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.

(4) Provision of specialized training to personnel of friendly foreign countries in connection with such an operation, including training of such personnel before deployment in connection with such operation.

(5) Small-scale construction to support military forces of a friendly foreign country participating in a United States-supported coalition or combined operation when the construction is directly linked to the ability of such forces to participate in such operation effectively and is limited to the geographic area where such operation is taking place. In the case of support provided under this paragraph that results in the provision of small-scale construction above \$750,000, the notification pursuant to subsection (b)(2) shall include the location, project title, and cost of each such small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location.

(d) **CERTIFICATION REQUIRED.**—

(1) **OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.**—The Secretary of Defense may provide support under subsection (a) to a friendly foreign country with respect to an operation in which the United States is not participating only—

(A) if the Secretary of Defense and the Secretary of State jointly certify to the appropriate committees of Congress that the operation is in the national security interests of the United States; and

(B) after the expiration of the 15-day period beginning on the date of such certification.

(2) **ACCOMPANYING REPORT.**—Any certification under paragraph (1) shall be accompanied by a report that includes the following:

(A) A description of the operation, including the geographic area of the operation.

(B) A list of participating countries.

(C) A description of the type of support and the duration of support to be provided.

(D) A description of the national security interests of the United States supported by the operation.

(E) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

(e) **SECRETARY OF STATE CONCURRENCE.**—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.