

(f) **SUPPORT OTHERWISE PROHIBITED BY LAW.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (c) that is otherwise prohibited by any provision of law.

(g) **LIMITATIONS ON VALUE.**—

(1) The aggregate value of all logistic support, supplies, and services provided under paragraphs (1), (4), and (5) of subsection (c) in any fiscal year may not exceed \$450,000,000.

(2) The aggregate value of all logistic support, supplies, and services provided under subsection (c)(2) in any fiscal year may not exceed \$5,000,000.

(h) **LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.**—In this section, the term “logistic support, supplies, and services” has the meaning given that term in section 2350(1) of this title.

(Added Pub. L. 109–364, div. A, title XII, §1201(a), Oct. 17, 2006, 120 Stat. 2410, §127c; renumbered §127d, Pub. L. 110–181, div. A, title X, §1063(a)(1)(A), Jan. 28, 2008, 122 Stat. 321; Pub. L. 111–383, div. A, title X, §1075(b)(3), title XII, §1202, Jan. 7, 2011, 124 Stat. 4369, 4385; renumbered §331 and amended Pub. L. 114–328, div. A, title XII, §1245(a), Dec. 23, 2016, 130 Stat. 2518; Pub. L. 115–232, div. A, title XII, §1203(b), Aug. 13, 2018, 132 Stat. 2016.)

Editorial Notes

PRIOR PROVISIONS

A prior section 331 was renumbered section 251 of this title.

AMENDMENTS

2018—Subsec. (c)(5). Pub. L. 115–232 inserted at end “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.”

2016—Pub. L. 114–328 renumbered section 127d of this title as this section and amended it generally. Prior to amendment, section related to authority to provide logistic support, supplies, and services to allied forces participating in combined operations.

2011—Subsec. (a). Pub. L. 111–383, §1202(a), designated existing provisions as par. (1), inserted “of the United States” after “armed forces”, struck out “Provision of such support, supplies, and services to the forces of an allied nation may be made only with the concurrence of the Secretary of State.” at end, and added pars. (2) and (3).

Subsec. (b). Pub. L. 111–383, §1202(b)(1), substituted “subsection (a)(1)” for “subsection (a)” in par. (1) and in introductory provisions of par. (2).

Subsec. (c)(1). Pub. L. 111–383, §1202(b)(2)(A), substituted “The” for “Except as provided in paragraph (2), the” and “subsection (a)(1)” for “this section”.

Subsec. (c)(2). Pub. L. 111–383, §1202(b)(2)(B), substituted “The value of the logistic support, supplies, and services provided under subsection (a)(2) in any fiscal year may not” for “In addition to any logistic support, supplies, and services provided under subsection (a) that are covered by paragraph (1), the value of logistic support, supplies, and services provided under this section solely for the purposes of enhancing the interoperability of the logistical support systems of military forces participating in combined operation of the United States in order to facilitate such operations may not, in any fiscal year,”.

Subsec. (d)(1). Pub. L. 111–383, §1075(b)(3), substituted “Committee on Foreign Affairs” for “Committee on International Relations”.

2008—Pub. L. 110–181 renumbered section 127c of this title, relating to allied forces participating in combined operations, as this section.

§ 332. Friendly foreign countries; international and regional organizations: defense institution capacity building

(a) **MINISTRY OF DEFENSE ADVISOR AUTHORITY.**—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to assign civilian employees of the Department of Defense and members of the armed forces as advisors to the ministries of defense (or security agencies serving a similar defense function) of foreign countries or regional organizations with security missions in order to—

(1) provide institutional, ministerial-level advice, and other training to personnel of the ministry or regional organization to which assigned in support of stabilization or post-conflict activities; or

(2) assist such ministry or regional organization in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

(b) **TRAINING OF PERSONNEL OF FOREIGN INDUSTRIES WITH SECURITY MISSIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to provide advisors or trainers to provide training and associated training support services to personnel of foreign ministries of defense (or ministries with security force oversight) or regional organizations with security missions—

(A) for the purpose of—

(i) enhancing civilian oversight of foreign security forces;

(ii) establishing responsible defense governance and internal controls in order to help build effective, transparent, and accountable defense institutions;

(iii) assessing organizational weaknesses and establishing a roadmap for addressing shortfalls; and

(iv) enhancing ministerial, general or joint staff, or service level core management competencies; and

(B) for such other purposes as the Secretary considers appropriate, consistent with the authority in subsection (a).

(2) **NOTICE TO CONGRESS.**—Each fiscal year quarter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on activities under the program under paragraph (1) during the preceding fiscal year quarter. Each report shall include, for the fiscal year quarter covered by such report, the following:

(A) A list of activities under the program.

(B) A list of any organization described in paragraph (1) to which the Secretary provided advisors or trainers under the program, including the number of such advisors or trainers so provided, the duration of each provision of such an advisor or trainer, a

brief description of the activities of each advisor or trainer so provided, and a statement of the cost of each provision of such an advisor or trainer.

(C) A comprehensive justification of any activities conducted pursuant to paragraph 1)(B).

(c) CONGRESSIONAL NOTICE.—Not later than 15 days before assigning a civilian employee of the Department of Defense or a member of the armed forces as an advisor to a regional organization with a security mission under subsection (a), the Secretary shall submit to the appropriate committees of Congress a notification of such assignment. Such a notification shall include each of the following:

(1) A statement of the intent of the Secretary to assign the advisor or trainer to the regional organization.

(2) The name of the regional organization and the location and duration of the assignment.

(3) A description of the assignment, including a description of the training or assistance proposed to be provided to the regional organization, the justification for the assignment, a description of the unique capabilities the advisor or trainer can provide to the regional organization, and a description of how the assignment serves the national security interests of the United States.

(4) Any other information relating to the assignment that the Secretary of Defense considers appropriate.

(Added and amended Pub. L. 114–328, div. A, title XII, § 1241(c)(1), (2), Dec. 23, 2016, 130 Stat. 2500; Pub. L. 115–91, div. A, title XII, § 1204(a), Dec. 12, 2017, 131 Stat. 1642; Pub. L. 115–232, div. A, title XII, § 1202, Aug. 13, 2018, 132 Stat. 2016.)

Editorial Notes

CODIFICATION

Text of section, as added by Pub. L. 114–328, is based on text of subsecs. (a), (b), and (d) of section 1081 of Pub. L. 112–81, div. A, title X, Dec. 31, 2011, 125 Stat. 1599, as amended, which was formerly set out as a note under section 168 of this title, prior to repeal by Pub. L. 114–328, div. A, title XII, § 1241(c)(3), Dec. 23, 2016, 130 Stat. 2500.

PRIOR PROVISIONS

A prior section 332 was renumbered section 252 of this title.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–232, § 1202(1), substituted “provide advisors or trainers” for “assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers”.

Subsec. (b)(2)(B). Pub. L. 115–232, § 1202(2)(C), which directed substitution of “each provision of such an advisor or trainer” for “each assignment”, was executed by making the substitution in both places it appeared, to reflect the probable intent of Congress.

Pub. L. 115–232, § 1202(2)(A), (B), substituted “Secretary provided” for “Secretary assigned”, “number of such advisors or trainers so provided” for “number of such advisors or trainers so assigned”, and “each advisor or trainer so provided” for “each assigned advisor or trainer”.

2017—Subsec. (a). Pub. L. 115–91, § 1204(a)(1), inserted “and members of the armed forces” after “civilian em-

ployees of the Department of Defense” in introductory provisions.

Subsec. (b)(1). Pub. L. 115–91, § 1204(a)(2)(A), inserted “to assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers” after “carry out a program” in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 115–91, § 1204(a)(2)(B), substituted “advisors or trainers” for “employees” in two places and “the activities of each assigned advisor or trainer” for “each assigned employee’s activities”.

Subsec. (c). Pub. L. 115–91, § 1204(a)(3)(A), inserted “or a member of the armed forces” after “a civilian employee of the Department of Defense” in introductory provisions.

Subsec. (c)(1). Pub. L. 115–91, § 1204(a)(3)(B), substituted “advisor or trainer” for “employee as an advisor”.

Subsec. (c)(3). Pub. L. 115–91, § 1204(a)(3)(C), substituted “advisor or trainer” for “employee”.

2016—Subsecs. (c), (d). Pub. L. 114–328, § 1241(c)(2), redesignated subsec. (d) as (c).

Statutory Notes and Related Subsidiaries

LEGAL INSTITUTIONAL CAPACITY BUILDING INITIATIVE FOR FOREIGN DEFENSE INSTITUTIONS

Pub. L. 116–92, div. A, title XII, § 1210, Dec. 20, 2019, 133 Stat. 1625, provided that:

“(a) INITIATIVE.—The Secretary of Defense may carry out, in accordance with section 332 of title 10, United States Code, an initiative of legal institutional capacity building in collaboration with the appropriate ministry of defense (or security agency serving a similar defense function) legal institutions that support the efforts of one or more foreign countries to establish or improve legal institutional capacity.

“(b) PURPOSE.—The purpose of the initiative under subsection (a) is to enhance, through advisory services, training, or related training support services, as appropriate, the legal institutional capacity of the applicable foreign country to do the following:

“(1) Integrate legal matters into the authority, doctrine, and policies of the ministry of defense (or security agency serving a similar defense function) and forces of such country.

“(2) Provide appropriate legal support to commanders conducting defense and national security operations.

“(3) With respect to defense and national security law, institutionalize education, training, and professional development for personnel and forces, including uniformed lawyers, officers, noncommissioned officers, and civilian lawyers and leadership within such ministries of defense (and security agencies serving a similar defense function).

“(4) Establish a military justice system that is objective, transparent, and impartial.

“(5) Conduct effective and transparent command and administrative investigations.

“(6) Build the legal capacity of the forces and civilian personnel of ministries of defense (and security agencies serving a similar defense function) to provide equitable, transparent, and accountable institutions and provide for anti-corruption measures within such institutions.

“(7) Build capacity—

“(A) to provide for the protection of civilians consistent with the law of armed conflict and human rights law; and

“(B) to investigate incidents of civilian casualties.

“(8) Promote understanding and observance of—

“(A) the law of armed conflict;

“(B) human rights and fundamental freedoms;

“(C) the rule of law; and

“(D) civilian control of the military.

“(9) Establish mechanisms for effective civilian oversight of defense and national security legal institutions and legal matters.

“(c) ELEMENTS.—The initiative under subsection (a) shall include the following elements:

“(1) A measure for monitoring the implementation of the initiative and evaluating the efficiency and effectiveness of the initiative, in accordance with section 383 of title 10, United States Code.

“(2) An assessment of the organizational weaknesses for legal institutional capacity building of the applicable foreign country, including baseline information, an assessment of gaps in the capability and capacity of the appropriate institutions of such country, and any other indicator of efficacy, in accordance with section 383 of title 10, United States Code.

“(3) An engagement plan for building legal institutional capacity that addresses the weaknesses identified under paragraph (2), including objectives, milestones, and a timeline.

“(d) REPORTS.—

“(1) IN GENERAL.—Beginning in fiscal year 2020 through the fiscal year in which the initiative under subsection (a) terminates, the Secretary of Defense shall submit to the appropriate committees of Congress an annual report on the legal institutional capacity building activities carried out under this section.

“(2) INTEGRATION INTO OTHER CAPACITY BUILDING REPORTS.—The report submitted under paragraph (1) for a fiscal year shall be integrated into the report required pursuant to subsection (b)(2) of section 332 of title 10, United States Code, for the fourth fiscal year quarter of such fiscal year.

“(3) MATTERS TO BE INCLUDED.—Each report submitted under paragraph (1) shall include the following:

“(A) The same information required under subsection (b)(2) of section 332 of title 10, United States Code.

“(B) The names of the one or more countries in which the initiative was conducted.

“(C) For each such country—

“(i) the purpose of the initiative;

“(ii) the objectives, milestones, and timeline of the initiative;

“(iii) the number and type of advisors assigned and deployed to the country, as applicable; and

“(iv) an assessment of the progress of the implementation of the initiative.

“(e) SUNSET.—The initiative under subsection (a) shall terminate on December 31, 2024.

“(f) FUNDING.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in connection with such programs as authorized by this section, 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, and available for the Defense Security Cooperation Agency for such programs and purposes.”

§ 333. Foreign security forces: authority to build capacity

(a) AUTHORITY.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of building the capacity of such forces to conduct one or more of the following:

- (1) Counterterrorism operations.
- (2) Counter-weapons of mass destruction operations.
- (3) Counter-illicit drug trafficking operations.
- (4) Counter-transnational organized crime operations.
- (5) Maritime and border security operations.
- (6) Military intelligence operations.

(7) Air domain awareness operations.

(8) Operations or activities that contribute to an existing international coalition operation that is determined by the Secretary to be in the national interest of the United States.

(9) Cyberspace security and defensive cyberspace operations.

(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct or support any program authorized by subsection (a).

(2) JOINT DEVELOPMENT AND PLANNING OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall jointly develop and plan any program carried out pursuant to subsection (a). In developing and planning a program to build the capacity of the national security forces of a foreign country under subsection (a), the Secretary of Defense and Secretary of State should jointly consider political, social, economic, diplomatic, and historical factors, if any, of the foreign country that may impact the effectiveness of the program.

(3) IMPLEMENTATION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall coordinate the implementation of any program under subsection (a). The Secretary of Defense and the Secretary of State shall each designate an individual responsible for program coordination under this paragraph at the lowest appropriate level in the Department concerned.

(4) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

(c) TYPES OF CAPACITY BUILDING.—

(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction supporting security cooperation programs under this section.

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

(A) Observance of and respect for the law of armed conflict, human rights and fundamental freedoms, the rule of law, and civilian control of the military.

(B) Institutional capacity building.

(3) OBSERVANCE OF AND RESPECT FOR THE LAW OF ARMED CONFLICT, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE RULE OF LAW, AND CIVILIAN CONTROL OF THE MILITARY.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense or the Department of State is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, training that includes a comprehensive curriculum on the