

“(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

law of armed conflict, human rights and fundamental freedoms, and the rule of law, and that enhances the capacity to exercise responsible civilian control of the military, as applicable, to such national security forces.

(4) **INSTITUTIONAL CAPACITY BUILDING.**—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department of Defense or another department or agency is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, a program of institutional capacity building with appropriate institutions of such foreign country to enhance the capacity of such foreign country to organize, administer, employ, manage, maintain, sustain, or oversee the national security forces of such foreign country.

(d) **LIMITATIONS.**—

(1) **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 (c) that is otherwise prohibited by any provision of law.

(2) **PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.**—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

(3) **DURATION OF SUSTAINMENT SUPPORT.**—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 2015 or 2016, for a period in excess of five years unless the notice on the program pursuant to subsection (e) includes the information specified in paragraph (7) of subsection (e).

(e) **NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.**—Not later 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 written and electronic notice of the following:

(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided.

(2) A detailed evaluation of the capacity of the foreign country and unit to absorb the training or equipment to be provided under the program.

(3) The cost, implementation timeline, and delivery schedule for assistance under the program.

(4) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

(5) Information, including the amount, type, and purpose, on the security assistance pro-

vided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

(6) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned, and of the interagency integrated country strategy, that will be advanced by the program.

(7) In the case of a program described in subsection (d)(3), each of the following:

(A) A written justification that the provision of sustainment support described in that subsection for a period in excess of five years will enhance the security interest of the United States.

(B) To the extent practicable, a plan to transition such sustainment support from funding through the Department to funding through another security sector assistance program of the United States Government or funding through partner nations.

(8) In the case of activities under a program that results in the provision of small-scale construction above \$750,000, the location, project title, and cost of each 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 over the next 5 years.

(9) In the case of a program described in subsection (a), each of the following:

(A) A description of whether assistance under the program could be provided pursuant to other authorities under this title, the Foreign Assistance Act of 1961, or any other train and equip authorities of the Department of Defense.

(B) An identification of each such authority described in subparagraph (A).

(f) **QUARTERLY MONITORING REPORTS.**—The Director of the Defense Security Cooperation Agency shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, supplies (including consumables), and small-scale construction under programs under subsection (a).

(2) Information on the timeliness of delivery of defense articles, defense services, supplies (including consumables), and small-scale construction when compared with delivery schedules for such articles, services, supplies, and construction previously provided to Congress.

(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

(g) **FUNDING.**—

(1) **SOLE SOURCE OF FUNDS.**—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.

(2) AVAILABILITY OF FUNDS FOR PROGRAMS ACROSS FISCAL YEARS.—

(A) IN GENERAL.—Amounts available in a fiscal year to carry out the authority in subsection (a) may be used for programs under that authority that begin in such fiscal year and end not later than the end of the second fiscal year thereafter.

(B) ACHIEVEMENT OF FULL OPERATIONAL CAPACITY.—If, in accordance with subparagraph (A), equipment or training 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 defense articles, training, defense services, supplies (including consumables), and small-scale construction associated with such equipment or training and necessary to ensure that the recipient unit achieves full operational capability for such equipment or training may be used in the fiscal year in which the foreign country takes receipt of such equipment and in the next two fiscal years.

(Added Pub. L. 114-328, div. A, title XII, §1241(d)(1), Dec. 23, 2016, 130 Stat. 2500; amended Pub. L. 115-91, div. A, title XII, §1204(b), Dec. 12, 2017, 131 Stat. 1643; Pub. L. 115-232, div. A, title XII, §§1201, 1203(c), Aug. 13, 2018, 132 Stat. 2016; Pub. L. 116-92, div. A, title XII, §1201, Dec. 20, 2019, 133 Stat. 1620; Pub. L. 116-283, div. A, title XII, §1201, Jan. 1, 2021, 134 Stat. 3908.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (e)(5), (9)(A), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 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 2151 of Title 22 and Tables.

PRIOR PROVISIONS

A prior section 333 was renumbered section 253 of this title.

AMENDMENTS

2021—Subsec. (a)(7), (8). Pub. L. 116-283, §1201(1), (2), added par. (7) and redesignated former par. (7) as (8).

Subsec. (a)(9). Pub. L. 116-283, §1201(3), added par. (9).

2019—Subsec. (a)(7). Pub. L. 116-92, §1201(a), inserted

“existing” before “international coalition operation”.

Subsec. (e)(9). Pub. L. 116-92, §1201(b), added par. (9).

2018—Subsec. (b)(2). Pub. L. 115-232, §1201, inserted at end “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.”

Subsec. (c)(1). Pub. L. 115-232, §1203(c)(1), inserted “supporting security cooperation programs under this section” after “small-scale construction”.

Subsec. (e)(8). Pub. L. 115-232, §1203(c)(2), added par. (8).

2017—Subsec. (c)(2)(A). Pub. L. 115-91, §1204(b)(1)(A), substituted “the rule of law, and civilian control of the military” for “and the rule of law”.

Subsec. (c)(2)(B). Pub. L. 115-91, §1204(b)(1)(B), substituted “Institutional capacity building” for “Respect for civilian control of the military”.

Subsec. (c)(3). Pub. L. 115-91, §1204(b)(2), in heading, substituted “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” for “Human rights training” and in text, inserted “or the Department of State” after “Department of Defense” and substituted “training that includes a comprehensive curriculum on the law of armed conflict, human rights and fundamental freedoms, and the rule of law, and that enhances the capacity to exercise responsible civilian control of the military” for “human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict”.

Subsec. (c)(4). Pub. L. 115-91, §1204(b)(3), substituted “that the Department of Defense or another department or agency is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, a program of institutional capacity building with appropriate institutions of such foreign country to enhance the capacity of such foreign country to organize, administer, employ, manage, maintain, sustain, or oversee the national security forces of such foreign country.” for “that the Department is already undertaking, or will undertake as part of the program, a program of institutional capacity building with appropriate institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a).” and struck out at end “The purpose of the program of institutional capacity building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.”

Statutory Notes and Related Subsidiaries

PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH VIETNAM, THAILAND, AND INDONESIA

Pub. L. 116-283, div. A, title XII, §1256, Jan. 1, 2021, 134 Stat. 3956, provided that:

“(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may establish, using existing authorities of the Department of Defense, a pilot program in Vietnam, Thailand, and Indonesia—

“(1) to enhance the cyber security, resilience, and readiness of the military forces of Vietnam, Thailand, and Indonesia; and

“(2) to increase regional cooperation between the United States and Vietnam, Thailand, and Indonesia on cyber issues.

“(b) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

“(1) Provision of training to military officers and civilian officials in the ministries of defense of Vietnam, Thailand, and Indonesia.

“(2) The facilitation of regular dialogues and trainings among the Department of Defense and the ministries of defense of Vietnam, Thailand, and Indonesia with respect to the development of infrastructure to protect against foreign cyber attacks.

“(3) To undertake, as part of cyber cooperation, training that includes curricula expressly relating to human rights, the rule of law, and internet freedom.

“(c) REPORTS.—

“(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2021, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on the design of the pilot program under subsection (a).

“(2) PROGRESS REPORT.—Not later than December 31, 2021, and annually thereafter until the date on

which the pilot program terminates under subsection (e), the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on the pilot program that includes—

“(A) a description of the activities conducted and the results of such activities;

“(B) an assessment of reforms relevant to cybersecurity and technology in enhancing the cyber security, resilience, and readiness of the military forces of Vietnam, Thailand, and Indonesia;

“(C) an assessment of the effectiveness of curricula relating to human rights, the rule of law, and internet freedom; and

“(D) the content and curriculum of any program made available to participants of such program.

“(d) CERTIFICATION.—Not later than 30 days before the date on which the pilot program under subsection (a) is scheduled to commence, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a certification indicating whether such program would credibly enable, enhance, or facilitate violations of internet freedom or other human rights abuses in Vietnam, Indonesia, or Thailand.

“(e) TERMINATION.—The pilot program under subsection (a) shall terminate on December 31, 2024.

“(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.”

GUIDANCE

Pub. L. 114-328, div. A, title XII, §1241(d)(4), Dec. 23, 2016, 130 Stat. 2504, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall prescribe, and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], initial policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added. Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe, and submit to the congressional defense committees, final policy guidance on roles, responsibilities, and processes in connection with such programs and activities.”

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; Pub. L. 115-91, div. A, title XII, §1205, Dec. 12, 2017, 131 Stat. 1643; Pub. L. 116-92, div. A, title XII, §1247(a), Dec. 20, 2019, 133 Stat. 1662; Pub. L. 116-283, div. A, title XII, §1243, Jan. 1, 2021, 134 Stat. 3947; Pub. L. 117-81, div. A, title XII, §1233, Dec. 27, 2021, 135 Stat. 1974, 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 security 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 security 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 security forces to respond to external threats.

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

“(D) To increase the capacity of such security 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 security 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.

“(4) REGULATIONS.—

“(A) IN GENERAL.—The Secretary of Defense shall prescribe regulations for payment of incremental expenses under subsection (a). Not later than 120 days after the date of the enactment of this paragraph [Dec. 12, 2017], the Secretary shall submit the regulations to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(B) PROCEDURES TO BE INCLUDED.—The regulations required under subparagraph (A) shall include procedures—

“(i) to require reimbursement of incremental expenses from non-developing countries determined pursuant to subsection (c) to be eligible for the provision of training under subsection (a); and

“(ii) to provide for a waiver of the requirement of reimbursement of incremental expenses under clause (i), on a case-by-case basis, if the Secretary of Defense determines special circumstances exist to provide for the waiver.

“(C) QUARTERLY REPORT.—The Secretary of Defense shall submit to the congressional defense

committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on a quarterly basis, a report that includes a description of each waiver of the requirement of reimbursement of incremental expenses under subparagraph (B)(i) that was in effect at any time during the preceding calendar quarter.

“(D) NON-DEVELOPING COUNTRY DEFINED.—In this paragraph, the term ‘non-developing country’ means a country that is not a developing country, as such term is defined in section 301(4) of title 10, United States Code.

“(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)—

“(1) is in addition to any other authority provided by law authorizing the provision of training for the national security forces of a foreign country, including chapter 16 of title 10, United States Code; and

“(2) shall not be construed to include authority for the training of irregular forces, groups, or individuals.

“(g) INCREMENTAL EXPENSES DEFINED.—In this section, the term ‘incremental expenses’ has the meaning given such term in section 301(5) of title 10, United States Code.

“(h) TERMINATION OF AUTHORITY.—The authority under this section shall terminate on December 31, 2024. Any activity under this section initiated before that date may be completed, but only using funds available for the period beginning on October 1, 2015, and ending on December 31, 2024. [sic]”

INDO-PACIFIC 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; Pub. L. 115-232, div. A, title XII, §1252, Aug. 13, 2018, 132 Stat. 2053; Pub. L. 116-92, div. A, title XII, §§1251, 1252(a), Dec. 20, 2019, 133 Stat. 1666-1668; Pub. L. 117-81, div. A, title XII, §1241, Dec. 27, 2021, 135 Stat. 1976, provided that:

“(a) ASSISTANCE AND TRAINING.—

“(1) IN GENERAL.—The Secretary of Defense is authorized, with the concurrence of the Secretary of State, with the primary goal of increasing multilateral maritime security cooperation and maritime domain awareness of foreign countries in the area of responsibility of the United States Indo-Pacific Command—

“(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 ‘Indo-Pacific Maritime Security Initiative’.

“(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under subsection (a) are the countries located within the area of responsibility of the United States Indo-Pacific Command.

“(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 construction (as defined in section 301 of title 10, United States Code).

“(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 the law of armed conflict, the rule of law, and 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 prioritize assistance, training, or both, to enhance—

“(1) multilateral cooperation and coordination among recipient countries; or

“(2) the capabilities of a recipient country to more effectively participate in a regional organization of which the recipient country is a member.

“(e) INCREMENTAL EXPENSES OF PERSONNEL OF RECIPIENT COUNTRIES FOR TRAINING.—If the Secretary of Defense determines that the payment of incremental expenses (as defined in section 301 of title 10, United States Code) in connection with training described in subsection (a)(1)(B) will facilitate the participation in such training of organization personnel of recipient countries described in subsection (b), the Secretary may use amounts available under subsection (f) for assistance and training under subsection (a) for the payment of such incremental expenses.

“(f) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for each of fiscal years 2022 through 2027 for the Department of Defense, Operation and Maintenance, Defense-wide, \$50,000,000 may be made available for the provision of assistance and training under subsection (a).

“(g) LIMITATIONS.—

“(1) 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 (c) that is otherwise prohibited by any provision of law.

“(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of title 10, United States Code.

“(3) SECURITY COOPERATION.—Assistance, training, and exercises with recipient countries described in subsection (b) shall be planned and prioritized consistent with applicable guidance relating to the security cooperation program and activities of the Department of Defense.

“(4) ASSESSMENT, MONITORING, AND EVALUATION.—The provision of assistance and training pursuant to a program under subsection (a) shall be subject to the provisions of section 383 of title 10, United States Code.

“(h) 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, the specific unit or units whose capacity to engage in activities under a program of assistance or training to be provided under subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided.

“(B) A detailed justification of the program for the provision of the assistance or training concerned, its relationship to United States security interests, and an explanation of the manner in which such assistance or training will increase multilateral maritime security cooperation or maritime domain awareness.

“(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) Information, including the amount, type, and purpose, on assistance and training provided under subsection (a) during the three preceding fiscal years, if applicable.

“(G) A description of the elements of the theater campaign plan of the United States Indo-Pacific Command and the interagency integrated country strategy that will be advanced by the assistance and training provided under subsection (a).

“(H) A description of whether assistance and training provided under subsection (a) could be provided pursuant to—

“(i) section 333 of title 10, United States Code, or other security cooperation authorities of the Department of Defense; or

“(ii) security cooperation authorities of the Department of State.

“(I) An identification of each such authority described in subparagraph (H).

“(J) 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.

“(i) ANNUAL MONITORING REPORTS.—

“(1) IN GENERAL.—Not later than March 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth, for the preceding calendar year, the following:

“(A) The overall strategy for improving multilateral maritime security cooperation and maritime domain awareness across the theater, including an identification of the following:

“(i) Priority countries and associated capabilities across the theater.

“(ii) Strategic objectives for the Indo-Pacific Maritime Security Initiative across the theater, lines of effort, and desired end results for such lines of effort.

“(iii) Significant challenges to improving multilateral maritime security cooperation and maritime domain awareness across the theater and the manner in which the United States Indo-Pacific Command is seeking to address such challenges.

“(B) An assessment, by recipient foreign country, of—

“(i) the country’s capabilities relating to maritime security and maritime domain awareness;

“(ii) the country’s capability enhancement priorities, including how such priorities relate to the theater campaign strategy, country plan, and theater campaign plan relating to maritime security and maritime domain awareness; and

“(iii) how such capabilities can be leveraged to improve multilateral maritime security cooperation and maritime domain awareness.

“(C) A discussion, by recipient foreign country, of—

“(i) priority capabilities that the Department of Defense plans to enhance under the authority under subsection (a) and priority capabilities the Department plans to enhance under separate United States security cooperation and security assistance authorities; and

“(ii) the anticipated timeline for assistance and training for each such capability.

“(D) Information, by recipient foreign country, on the status of funds allocated for assistance and training provided under subsection (a), including funds allocated but not yet obligated or expended.

“(E) Information, by recipient foreign country, on the delivery and use of assistance and training provided under subsection (a).

“(F) Information, by recipient foreign country, on the timeliness of the provision of assistance and training under subsection (a) as compared to the timeliness of the provision of assistance and training previously provided to the foreign country under subsection (a).

“(G) A description of the reasons the Department of Defense chose to utilize the authority for assistance and training under subsection (a) in the preceding calendar year.

“(H) An explanation of any impediments to timely obligation or expenditure of funds allocated for assistance and training under subsection (a) or any significant delay in the delivery of such assistance and training.

“(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ has the meaning given the term in subsection (h)(2).

“(j) EXPIRATION.—Assistance and training may not be provided under this section after December 31, 2027.”

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, as amended by Pub. L. 115–232, div. A, title XII, §1205(c), Aug. 13, 2018, 132 Stat. 2018, authorized the Secretary of Defense to conduct human rights training of security forces and associated security ministries of foreign countries and terminated such authority on Sept. 30, 2020.

§ 334. Administrative support and payment of certain expenses for covered foreign defense personnel

(a) IN GENERAL.—The Secretary of Defense may—

(1) provide administrative services and support to the United Nations Command for the performance of duties by covered foreign defense personnel during the period in which the covered foreign defense personnel are assigned to the United Nations Command or the Neutral Nations Supervisory Commission in accordance with the Korean War Armistice Agreement of 1953; and

(2) pay the expenses specified in subsection (b) for covered foreign defense personnel who are—

(A) from a developing country; and

(B) assigned to the headquarters of the United Nations Command.

(b) TYPES OF EXPENSES.—The types of expenses that may be paid under the authority of subsection (a)(2) are the following: