

“(d) INTEGRATION OF HUMAN RIGHTS AND CIVILIAN PROTECTION INTO ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION PROGRAMS AND ACTIVITIES.—

“(1) REPORTS REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees an interim report and a final report on the steps the Secretary will take to incorporate partner units’ activities, as such activities relate to human rights and protection of civilians, into the program elements described in section 383(b)(1) of title 10, United States Code.

“(2) DEADLINES.—

“(A) INTERIM REPORT.—The interim report required under paragraph (1) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019] and shall include a summary of the progress of the Secretary in implementing the steps described in such paragraph.

“(B) FINAL REPORT.—The final report required under paragraph (1) shall be submitted to the appropriate congressional committees not later than one year after the date of enactment of this Act and shall specifically identify the actions the Secretary took to implement the steps described in paragraph (1).

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means the following:

“(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

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

#### HUMAN RIGHTS VETTING OF AFGHAN NATIONAL DEFENSE AND SECURITY FORCES

Pub. L. 115–91, div. A, title XII, §1216, Dec. 12, 2017, 131 Stat. 1650, provided that: “The Secretary of Defense may establish within the Department of Defense one or more permanent positions to oversee and support, in coordination with the Department of State, the implementation of section 362 of title 10, United States Code, with respect to the Afghan National Defense and Security Forces.”

#### ANNUAL REPORTS

Pub. L. 113–291, div. A, title XII, §1204(b), Dec. 19, 2014, 128 Stat. 3533, as amended by Pub. L. 115–232, div. A, title XII, §1204(c)(2), Aug. 13, 2018, 132 Stat. 2017, provided that:

“(1) IN GENERAL.—Not later than March 31, 2015, and every March 31 thereafter through 2024, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth for the preceding fiscal year the following:

“(A) The total number of cases submitted for vetting for purposes of section 362 of title 10, United States Code (as added by subsection (a)), and the total number of such cases approved, or suspended or rejected for human rights reasons, non-human rights reasons, or administrative reasons.

“(B) In the case of units rejected for non-human rights reasons, a detailed description of the reasons relating to the rejection.

“(C) A description of the interagency processes that were used to evaluate compliance with requirements to conduct vetting.

“(D) An addendum that includes any comments by the commanders of the combatant commands about the impact of section 362 of title 10, United States Code (as so added), on their theater security cooperation plan.

“(E) Such other matters with respect to the administration of section 362 of title 10, United States Code (as so added), as the Secretary considers appropriate.

“(2) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(3) 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.”

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 1204(b) of Pub. L. 113–291, set out above, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.]

**[§ 371. Renumbered § 271]**

**[§ 372. Renumbered § 272]**

**[§ 373. Renumbered § 273]**

**[§ 374. Renumbered § 274]**

**[§ 375. Renumbered § 275]**

**[§ 376. Renumbered § 276]**

**[§ 377. Renumbered § 277]**

**[§ 378. Renumbered § 278]**

**[§ 379. Renumbered § 279]**

**[§ 380. Renumbered § 280]**

#### SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS

Sec. 381.	Consolidated budget.
382.	Execution and administration of programs and activities.
383.	Assessment, monitoring, and evaluation of programs and activities.
384.	Department of Defense security cooperation workforce development.
385.	Department of Defense support for other departments and agencies of the United States Government that advance Department of Defense security cooperation objectives.
386.	Annual report.

#### § 381. Consolidated budget

(a) CONSOLIDATED BUDGET.—The budget of the President for each fiscal year, as submitted to Congress by the President pursuant to section 1105 of title 31, shall set forth by budget function and as a separate item the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense, including the military departments, to be conducted in such fiscal year, including the specific country or region and the applicable authority, to the extent practicable.

(b) QUARTERLY REPORT ON USE OF FUNDS.—Not later than 60 days after the end of each calendar quarter, the Secretary shall submit to the appropriate committees of Congress a report on the obligation and expenditure of funds for security cooperation programs and activities of the Department of Defense during such calendar quarter.

(Added Pub. L. 114–328, div. A, title XII, §1249(a), Dec. 23, 2016, 130 Stat. 2526; amended Pub. L. 116–92, div. A, title XII, §1204, Dec. 20, 2019, 133 Stat. 1622.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 381 was renumbered section 281 of this title.

## AMENDMENTS

2019—Subsec. (b). Pub. L. 116–92 substituted “60 days” for “30 days”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE; APPLICABILITY

Pub. L. 114–328, div. A, title XII, § 1249(b), Dec. 23, 2016, 130 Stat. 2526, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect on the date of the enactment of this Act [Dec. 23, 2016], and shall apply as follows:

“(1) Subsection (a) of section 381 of title 10, United States Code, as added by subsection (a), shall apply to budgets submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2018.

“(2) Subsection (b) of such section 381, as so added, shall apply to calendar quarters beginning on or after the date of the enactment of this Act.”

**§ 382. Execution and administration of programs and activities**

(a) **POLICY OVERSIGHT AND RESOURCE ALLOCATION.**—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Under Secretary of Defense or below.

(b) **EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.**—

(1) **IN GENERAL.**—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease.

(2) **DESIGNATION OF RESPONSIBILITY.**—The Director may designate an element of an armed force, combatant command, Defense Agency, Department of Defense Field Activity, or other element or organization of the Department of Defense to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

(c) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to implement security cooperation programs and activities of the Department of Defense authorized by this chapter.

(2) **BUDGET JUSTIFICATION.**—Funds necessary for implementing security cooperation programs and activities of the Department of Defense under this chapter for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

(Added Pub. L. 114–328, div. A, title XII, § 1241(m), Dec. 23, 2016, 130 Stat. 2509.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 382 was renumbered section 282 of this title.

**§ 383. Assessment, monitoring, and evaluation of programs and activities**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities of the Department of Defense.

(b) **PROGRAM ELEMENTS AND REQUIREMENTS.**—

(1) **ELEMENTS.**—The program under subsection (a) shall provide for the following:

(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense.

(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

(E) Incorporation of lessons learned from prior security cooperation programs and activities of the Department of Defense that were carried out any time on or after September 11, 2001.

(2) **BEST PRACTICES.**—The program shall be conducted in accordance with international best practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

(c) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to carry out the program required by subsection (a).

(2) **BUDGET JUSTIFICATION.**—Funds described in paragraph (1) for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

(d) **REPORTS.**—

(1) **REPORTS TO CONGRESS.**—The Secretary shall submit to the congressional defense committees each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

(A) A description of the activities under the program.