

forces of the armed forces of the United States with military and other security forces of friendly foreign countries, prior to repeal by Pub. L. 114-328, div. A, title XII, § 1244(c), Dec. 23, 2016, 130 Stat. 2518.

SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

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Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263, div. A, title XII, § 1201(b), Dec. 23, 2022, 136 Stat. 2823, added item 335.

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 government 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) A description of each entity with which the applicable friendly foreign country is engaged in hostilities and whether each such entity is covered by an authorization for the use of military force.

(F) 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.

(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; Pub. L. 117-263, div. A, title XII, §1202(a), Dec. 23, 2022, 136 Stat. 2823.)

Editorial Notes

PRIOR PROVISIONS

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

AMENDMENTS

2022—Subsec. (d)(2)(E), (F). Pub. L. 117-263 added subpar. (E) and redesignated former subpar. (E) as (F).

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.

Statutory Notes and Related Subsidiaries

SUPPORT FOR EXECUTION OF BILATERAL AGREEMENTS CONCERNING ILLICIT TRANSNATIONAL MARITIME ACTIVITY IN AFRICA

Pub. L. 118-31, div. A, title XVIII, §1808, Dec. 22, 2023, 137 Stat. 688, provided that:

“(a) IN GENERAL.—The Secretary of Defense, in coordination with the Commandant of the Coast Guard, and in consultation with the Secretary of State, may provide assistance to the Coast Guard for the execution of existing maritime law enforcement agreements between the United States and friendly African countries that were established to combat transnational organized illegal maritime activity, including illegal, unreported, and unregulated fishing.

“(b) EFFECT ON MILITARY TRAINING AND READINESS.—The Secretary of Defense shall ensure that the provision of assistance under this section does not negatively affect military training, operations, readiness, or other military requirements.

“(c) FUNDS.—If the Secretary of Defense provides assistance under subsection (a) during any fiscal year, the Secretary shall provide such assistance using amounts available for that fiscal year for the Department of Defense for operation and maintenance.

“(d) ASSISTANCE DEFINED.—In this section, the term ‘assistance’ means any of the following:

“(1) The use of surface and air assets as bases of operations and information collection platforms.

“(2) Communication infrastructure.

“(3) Information sharing.

“(4) The provision of logistic support, supplies, and services (as such term is defined in section 2350 of title 10, United States Code).”

§ 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