SEC. 1204. CONSOLIDATION AND REVISION OF AUTHORITIES RELATING TO TRAINING OF THE ARMED FORCES WITH MILITARY AND OTHER SECURITY FORCES OF FRIENDLY FOREIGN COUNTRIES.

(a) CONSOLIDATION AND REVISION OF AUTHORITIES.—Chapter 16 of title 10, United States Code, as added by section 1201(a)(3), is amended by inserting after the table of sections at the beginning of subchapter III the following new section:

"§321. Training with friendly foreign countries; payment of certain expenses

"(a) TRAINING AUTHORIZED.—

"(1) TRAINING WITH FOREIGN FORCES.—The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other security forces of a friendly foreign country if the Secretary of Defense determines that it is in the national security interests of the United States to do so. Any such training with forces of a foreign country may be conducted only with the concurrence of the Secretary of State.

"(2) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which the unit of the armed forces participating in such training is responsible.

"(3) ELEMENTS OF TRAINING.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, include elements that promote—

"(A) observance of and respect for human rights and fundamental freedoms; and

"(B) respect for legitimate civilian authority within the foreign country concerned.

"(b) AUTHORITY TO PAY CERTAIN EXPENSES.—The Secretary of Defense may pay the following expenses:

"(1) The incremental expenses incurred by a friendly foreign country as the direct result of—

"(A) the training of the military forces or other security forces of such country with the armed forces under the jurisdiction of the Secretary of Defense under subsection (a)(1); or

"(B) the participation of such military or other security forces in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

"(2) Small-scale construction that is directly related to the effective accomplishment of training described in paragraph (1)(A) or an exercise described in paragraph (1)(B).

"(c) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"(e) DEFINITIONS.—In this section:

"(1) The term 'incremental expenses', with respect to a friendly foreign country, means the reasonable and proper costs of the goods and services that are consumed by that country as a direct result of that country's participation in training with the United States under subsection (a)(1) or in a military exercise with the United States, including

rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other similar personnel costs of such country's military or other security forces.

"(2) The term 'other security forces' includes national security forces that conduct border security, counterterrorism operations, and maritime security, but does not include local civilian police.".

(b) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 2010 of title 10, United States Code.

(2) Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2011 note).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by striking the item relating to section 2010.

Section-by-Section Analysis

This proposal would combine similar authorities for paying for the expenses of partner nations when conducting training for U.S. Armed Forces with the authority for paying the expenses of developing countries when participating in exercises.

This proposal is part of a package of Fiscal Year 2017 security cooperation authorities reform proposals sponsored by the Under Secretary of Defense for Policy intended to consolidate and simplify Title 10 security cooperation authorities in a new Chapter 16 in Title 10.

Two similar authorities permit the payment of expenses for foreign security forces to participate in training that support training objectives for the U.S. Armed Forces: (1) Training of General Purpose Forces of the United States Armed Forces with Military and Security Forces of Friendly Foreign Countries (Section 1203 of P. L. 113-66), and (2) Participation of Developing Countries in Combined Exercises: Payment of Incremental Expenses (10 U.S.C. 2010).

The proposal would permanently codify the Section 1203 authority for general purpose forces to train with military and security forces of friendly foreign countries. It also removes the $10 million cap established in Section 1203.

Consolidation of these authorities would provide a single authority for use by Combatant Commands to train with friendly foreign countries. The single authority would improve

efficiency and effectiveness by establishing a standard authorities framework for the inclusion of partner country military and security forces in training events, which would enable coordination and approval processes for such training events to be streamlined.

The proposal would permit training or exercising with military and security forces, but would limit the participation of security forces to national-level forces responsible for security fields in which DoD forces have specific responsibilities and expertise. It may be necessary for DoD to train with national-level police particularly when a country has no military and the national police are the national security forces (e.g., Panama, Costa Rica, and a number of Caribbean countries). Local civilian police are explicitly excluded from this authority.

Section 2010 is currently limited to countries that are considered "developing" countries while Section 1203 does not require means testing. This proposal removes the means testing requirement from the consolidated language to provide greater flexibility in using the consolidated authority. Countries that fall above the developing countries threshold may be strategically important partners that otherwise would not be able to participate in training or exercises without our payment of incremental expenses for their participation. The Baltic states fall above the developing country threshold and are not eligible for support through Section 2010. The availability of Section 1203 for payment of incremental expenses for exercises with the Balkan states was essential during a period of heightened concerns following Russian annexation of Crimea. The Department will use the authority for countries that cannot reasonably expect to pay for their own participating in these training events.

The Department will apply 10 U.S.C. 2249e, "prohibition on the use of funds for assistance to units of foreign security forces that have committed gross violations of human rights" to training and other assistance provided to a unit of a foreign security force under this proposed legislation consistent with the implementing DoD guidance for the DoD Leahy Law issued by the Secretary of Defense on August 18, 2014.

This proposal would add the authority to pay for small-scale construction, which will be capped at $750,000, to support training and exercises. The dollar amount of the cap applicable to such small-scale construction is to be provided in the definition in section 301(2) of title 10, United States Code, as proposed to be added by OLC #126. This authority could be used to construct a training facility essential for the planned training that would be turned over to the host nation following the training event to aid the friendly forces in sustaining the skills developed during the training. Future training events would then be able to use the facilities, improving long-term outcomes. The limit on the amounts available for small scale construction for an event will ensure that the focus of the program remains training and not the provision of training facilities.

Budget Implications: The table below details resource requirements associated with this proposal. The resources reflected in the table below are funded within the FY2017 President's Budget. Funding for the consolidated proposal consists of funds programmed for 10 U.S.C. 2010 (Developing Countries Combined Exercise Program, or DCCEP) and FY14 NDAA Section 1203 (Training of general purpose forces with military and other security forces of friendly foreign countries).

For 10 U.S.C. 2010 (DCCEP): Army and Navy program for DCCEP at the levels outlines below. Air Force does not program for DCCEP.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	6.4	5.7	7.0	6.2	6.3	Operation and Maintenance, Army	01	138	0201109A
Army	4.5	4.8	4.8	4.9	5.2	Operation and Maintenance, Army	01	138	0201113A
Army	9.2	9.4	9.5	9.7	9.9	Operation and Maintenance, Army	01	138	0201115A
Navy	10.5	10.5	10.5	10.5	10.5	Operation and Maintenance, Navy	01	1CCM	1001004N
USAF	Air Force does not intend to use this authority, which would have been funded in the following account: Operation and Maintenance, Air Force.								

For Section 1203: This is a temporary authority, expiring at the end of FY17, with a cap of $10 million per year. The Army programed funds for FY17 but not beyond because this has been a temporary authority. The proposal removes the $10 million annual cap.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	.1	0	0	0	0	Operation and Maintenance, Army	01	138	0201109A
Navy	Navy does not intend to use this authority, which would have been funded in the following account: Operation and Maintenance, Navy.								
USAF	Air Force does not intend to use this authority, which would have been funded in the following account: Operation and Maintenance, Air Force.								

Changes to Existing Law: This proposal (1) would add a new section 321 to title 10, United States Code, which is shown in full above, and (2) would repeal section 2010 of that title and section 1203 of the National Defense Authorization Act For Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2011 note), as follows:

TITLE 10, UNITED STATES CODE

~~§2010. Participation of developing countries in combined exercises: payment of incremental expenses~~

~~(a) The Secretary of Defense, after consultation with the Secretary of State, may pay the incremental expenses of a developing country that are incurred by that country as the direct result of participation in a bilateral or multilateral military exercise if -~~

~~(1) the exercise is undertaken primarily to enhance the security interests of the United States; and~~

~~(2) the Secretary of Defense determines that the participation by such country is necessary to the achievement of the fundamental objectives of the exercise and that those objectives cannot be achieved unless the United States provides the incremental expenses incurred by such country.~~

~~(b) The Secretary of Defense shall establish by regulation such accounting procedures as may be necessary to ensure that funds expended under this section are properly expended.~~

~~(c) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for bilateral or multilateral military exercises that begin in a fiscal year and end in the following fiscal year.~~

~~(d) In this section, the term "incremental expenses" means the reasonable and proper cost of the goods and services that are consumed by a developing country as a direct result of that country's participation in a bilateral or multilateral military exercise with the United States, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of such country's personnel.~~

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

~~SEC. 1203. TRAINING OF GENERA PURPOSE FORCES OF THE UNITED STATES ARMED FORCES WITH MILITARY AND OTHER SECURITY FORCES OF FRIENDLY FOREIGN COUNTRIES.~~

~~(a) TRAINING AUTHORIZED.—~~

~~(1) IN GENERAL.—Under regulations prescribed under subsection (f), general purpose forces of the United States Armed Forces may train with the military forces or other security forces of a friendly foreign country if the Secretary of Defense determines that it is in the national security interests of the United States to do so. Training may be conducted under this section only with the prior approval of the Secretary of Defense.~~

~~(2) CONCURRENCE.—Before conducting a training event in or with a foreign country under this subsection, the Secretary of Defense shall seek the concurrence of the Secretary of State in such training event.~~

~~(b) TYPES OF TRAINING AUTHORIZED.—Any training conducted by the United States Armed Forces pursuant to subsection (a) shall, to the maximum extent practicable—~~

~~(1) support the mission essential tasks for which the training unit providing such training is responsible;~~

~~(2) be with a foreign unit or organization with equipment that is functionally similar to such training unit; and~~

~~(3) include elements that promote—~~

~~(A) observance of and respect for human rights and fundamental freedoms; and~~

~~(B) respect for legitimate civilian authority within the foreign country or countries concerned.~~

~~(c) AUTHORITY TO PAY EXPENSES.—~~

~~(1) IN GENERAL.—The Secretary of a military department or the commander of a combatant command may pay, or authorize payment for, the incremental expenses incurred by a friendly foreign country as the direct result of training with general purpose forces of the United States Armed Forces pursuant to subsection (a).~~

~~(2) LIMITATION.—The amount of incremental expenses payable under paragraph (1) in any fiscal year may not exceed $10,000,000.~~

~~(d) NOTICE BEFORE COMMENCEMENT OF TRAINING.—The Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 15 days before the commencement of any training event pursuant to subsection (a). The notice on a training event shall include a description of the event and the foreign country or countries involved in the event.~~

~~(e) ANNUAL REPORTS TO CONGRESS.—Not later than April 1 of each year following a fiscal year in which training is conducted pursuant to subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a report on the training conducted pursuant to that subsection. Each report shall specify the following:~~

~~(1) For the fiscal year covered by such report, the following:~~

~~(A) Each country in which training was conducted.~~

~~(B) The type of training conducted, the duration of such training, and the number of members of the United States Armed Forces involved in such training.~~

~~(C) The extent of participation in such training by foreign military forces and other security forces, including the number and service affiliation of foreign military and other security force personnel involved and the physical and financial contribution of each country specified in subparagraph (A) in such training.~~

~~(D) The relationship of such training to other overseas training programs conducted by the United States Armed Forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).~~

~~(E) A summary of the expenditures under subsection (c) in connection with such training.~~

~~(F) A description and assessment of the unique military training benefits for members of the United States Armed Forces involved in such training.~~

~~(2) A list of the training events to be conducted during the 12-month period beginning on April 1 of the year in which such report is submitted.~~

~~(f) REGULATIONS.—Any training conducted pursuant to subsection (a) shall be conducted under regulations prescribed by the Secretary of Defense for the administration of this section. The regulations shall be prescribed not later than 180 days after the date of the enactment of this Act.~~

~~(g) DEFINITIONS.—In this section:~~

~~(1) 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.~~

~~(2) The term ''incremental expenses'', with respect to a friendly foreign country, means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by such country as a direct result of that country's participation in training conducted pursuant to subsection (a), except that such term does not include pay, allowances, and other normal costs of such country's military or security force personnel.~~

~~(3) The term ''other security forces'' includes national security forces that conduct border and maritime security, but does not include civilian police.~~

~~(h) EXPIRATION.—The authority under this section may not be exercised after September 30, 2017.~~