SEC. 1209. REPEAL OF SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) REPEALS.—The following provisions of title 10, United States Code, are repealed:

(1) Section 168, relating to military-to-military contacts and comparable activities.

(2) Section 1051c, relating to assignment of members of foreign military forces to improve education and training in information security through multilateral, bilateral, or regional cooperation programs.

(3) Section 2562, relating to a limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

(4) Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments.

(b) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 6 is amended by striking the item relating to section 168.

(2) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051c.

(3) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2562.

(4) The tables of sections at the beginning of chapters 443 and 943 are amended by striking the items relating to section 4681 and 9681, respectively.

Section-by-Section Analysis

This proposal would repeal security cooperation authorities that have been determined to be superseded, obsolete, or duplicative.

This proposal is part of a package of security cooperation authorities reform proposals intended to consolidate and simplify Title 10 security cooperation authorities as part of a new chapter 16 in title 10, United States Code.

In developing the security cooperation authorities reform package, the Department of Defense (DoD) conducted an in-depth review of all of its current authorities. During the course of this review, the following authorities in title 10, United States Code, were determined to be superseded, obsolete, or duplicative.

- Section 168, relating to military-to-military contacts and comparable activities, is repealed because of two consolidation proposals, Sections 1202 (Military-to-military exchanges,) and 1203 (Military-to-military contacts: payment of personnel expenses), that make section 168 redundant.

- Section 1051c, relating to assignment of members of foreign military forces to improve education and training in information security through multilateral, bilateral, or regional cooperation programs, is consolidated in section 1202.

- Section 2562, relating to a limitation on use of excess construction or fire equipment, from Department of Defense stocks in foreign assistance or military sales programs, is obsolete.

- Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments, are obsolete and duplicative.

Several authorities have been impacted by consolidation of other authorities and are no longer of value toDoD. The proposal seeks to repeal these authorities.

Authorities that are not used need not be retained in title 10. Authorities that were provided by Congress during wartime or a contingency need not be continued if their value to DoD has waned. Authorities sought by DoD that have not been used in a reasonable amount of time after the enactment of a law, should be repealed. This proposal seeks to reduce the number of authorities that fall into these categories in order to ensure clarity and coherence across DoD security cooperation authorities.

Budget Implications: This proposal is neutral in its impact to the budget.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Dept of Defense	0	0	0	0	0				

Changes to Existing Law: This section would repeal the following provision of title 10, United States Code:

TITLE 10, UNITED STATES CODE

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~~§ 168. Military-to-military contacts and comparable activities~~

~~(a) PROGRAM AUTHORITY.—The Secretary of Defense may conduct military-to-military contacts and comparable activities that are designed to encourage a democratic orientation of defense establishments and military forces of other countries.~~

~~(b) ADMINISTRATION.—The Secretary may provide funds appropriated for carrying out subsection (a) to the following officials for use as provided in subsection (c):~~

~~(1) The commander of a combatant command, upon the request of the commander.~~

~~(2) An officer designated by the Chairman of the Joint Chiefs of Staff, with respect to an area or areas not under the area of responsibility of a commander of a combatant command.~~

~~(3) The head of any Department of Defense component.~~

~~(c) AUTHORIZED ACTIVITIES.—An official provided funds under subsection (b) may use those funds for the following activities and expenses:~~

~~(1) The activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities.~~

~~(2) The activities of military liaison teams.~~

~~(3) Exchanges of civilian or military personnel between the Department of Defense and defense ministries of foreign governments.~~

~~(4) Exchanges of military personnel between units of the armed forces and units of foreign armed forces.~~

~~(5) Seminars and conferences held primarily in a theater of operations.~~

~~(6) Distribution of publications primarily in a theater of operations.~~

~~(7) Personnel expenses for Department of Defense civilian and military personnel to the extent that those expenses relate to participation in an activity described in paragraph (3), (4), (5), or (6).~~

~~(8) Reimbursement of military personnel appropriations accounts for the pay and allowances paid to reserve component personnel for service while engaged in any activity referred to in another paragraph of this subsection.~~

~~(9) The assignment of personnel described in paragraph (3) or (4) on a non-reciprocal basis if the Secretary of Defense determines that such an assignment, rather than an exchange of personnel, is in the interests of the United States.~~

~~(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided during any fiscal year to an official under subsection (b) for an activity or expense referred to in subsection (c) shall be in addition to amounts otherwise available for those activities and expenses for that fiscal year.~~

~~(e) LIMITATIONS.—~~

~~(1) Funds may not be provided under this section for a fiscal year for any activity for which—~~

~~(A) funding was proposed in the budget submitted to Congress for that fiscal year pursuant to section 1105(a) of title 31; and~~

~~(B) Congress did not authorize appropriations.~~

~~(2) An activity may not be conducted under this section with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.~~

~~(3) Funds may not be provided under this section for a fiscal year for any country that is not eligible in that fiscal year for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961.~~

~~(4) Except for those activities specifically authorized under subsection (c), funds may not be used under this section for the provision of defense articles or defense services to any country or for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961.~~

~~(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.~~

~~(f) ACTIVE DUTY END STRENGTHS.—A member of a reserve component who is engaged in activities authorized under this section shall not be counted for purposes of the following personnel strength limitations:~~

~~(1) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to under this section.~~

~~(2) The authorized daily average for members in pay grades E-8 and E-9 under section 517 of this title for the calendar year in which the member carries out such activities.~~

~~(3) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.~~

~~(g) MILITARY-TO-MILITARY CONTACTS DEFINED.—In this section, the term "military-to-military contacts" means contacts between members of the armed forces and members of foreign armed forces through activities described in subsection (c).~~

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~~§ 1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security~~

~~(a) ASSIGNMENTS AUTHORIZED; PURPOSE.—The Secretary of Defense may authorize the temporary assignment of a member of the military forces of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.~~

~~(b) PAYMENT OF CERTAIN EXPENSES.—To facilitate the assignment of a member of a foreign military force to a Department of Defense organization under subsection (a), the Secretary of Defense may pay such expenses in connection with the assignment as the Secretary considers in the national security interests of the United States.~~

~~(c) PROTECTION OF DEPARTMENT CYBERSECURITY.—In authorizing the temporary assignment of members of foreign military forces to Department of Defense organizations under subsection (a), the Secretary of Defense shall require the inclusion of adequate safeguards to prevent any compromising of Department information security.~~

~~(d) MULTI-YEAR AVAILABILITY OF FUNDS.—Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.~~

~~(e) INFORMATION SECURITY DEFINED.—In this section, the term "information security" refers to—~~

~~(1) the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; and~~

~~(2) the security policies, security procedures, or acceptable use policies with respect to an information system.~~

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~~§2562. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs~~

~~(a) LIMITATION.—Excess construction or fire equipment from the stocks of the Department of Defense may be transferred to any foreign country or international organization pursuant to part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) or section 21 of the Arms Export Control Act (22 U.S.C. 2761) only if—~~

~~(1) no department or agency of the Federal Government (other than the Department of Defense), no State, and no other person or entity eligible to receive excess or surplus property under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 submits to the Defense~~

~~Reutilization and Marketing Service a request for such equipment during the period for which the Defense Reutilization and Marketing Service accepts such a request; or~~

~~(2) the President determines that the transfer is necessary in order to respond to an emergency for which the equipment is especially suited.~~

~~(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit the authority to transfer construction or fire equipment under section 2557 of this title.~~

~~(c) DEFINITION.—In this section, the term "construction or fire equipment" includes tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, pumpers, fuel and water tankers, crash trucks, utility vans, rescue trucks, ambulances, hook and ladder units, compressors, and miscellaneous fire fighting equipment.~~

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~~§4681. Surplus war material: sale to States and foreign governments~~

~~Subject to regulations under section 121 of title 40, the Secretary of the Army may sell surplus war material and supplies, except food, of the Department of the Army, for which there is no adequate domestic market, to any State or to any foreign government with which the United States was at peace on June 5, 1920. Sales under this section shall be made upon terms that the Secretary considers expedient.~~

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~~§9681. Surplus war material: sale to States and foreign governments~~

~~Subject to regulations under section 121 of title 40, the Secretary of the Air Force may sell surplus war material and supplies, except food, of the Department of the Air Force, for which there is no adequate domestic market, to any State or to any foreign government with which the United States was at peace on June 5, 1920. Sales under this section shall be made upon terms that the Secretary considers expedient.~~