SEC. ___. TRAINING WITH FRIENDLY FOREIGN COUNTRIES.

(a) TRAINING AUTHORIZED.—Section 321(a) of title 10, United States Code, is amended—

(1) paragraph (1), by striking "security forces" and inserting "national security forces"; and

(2) in paragraph (2), by inserting "or, with the concurrence of the Secretary of State, other national security forces" before the period.

(b) AUTHORITY TO PAY TRAINING AND EXERCISE EXPENSES.—Section 321(b)(1) of such title is amended by striking "security forces" and inserting "national security forces".

(c) BRIEFING TO CONGRESS ON USE OF AUTHORITY.—Section 321(e) of such title is amended to read as follows:

"(e) BRIEFING TO CONGRESS ON USE OF AUTHORITY.—Not later than 90 days after the end of each fiscal year in which training is conducted under the authority of subsection (a), the Secretary of Defense shall provide a briefing to 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.".

(d) REGULATIONS.—Section 321(f)(2) of such title is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal seeks to clarify the purpose of activities conducted pursuant to section 321 of title 10, United States Code (U.S.C.), by allowing for improved efficiency in section 321 programs and adding updates for further alignment with the National Defense Strategy (NDS). This creates a globally available training authority consistent with the NDS and the older 10 U.S.C. 1251 and current 10 U.S.C. 321 authorities. This proposal also streamlines the training authority for military-to-military engagements not associated with broader training and equipping efforts pursuant to 10 U.S.C. 333.

This proposal allows for certain activities previously conducted under 10 U.S.C. 1251, "Training for Eastern European National Security Forces," to be conducted under 10 U.S.C. 321 in the future, a consolidation consistent with ongoing security cooperation (SC) reform efforts. This was accomplished by incorporating elements of 10 U.S.C. 1251 into 10 U.S.C. 321 through consultation with USEUCOM.

Additionally, the proposed changes would open training opportunities for general purpose forces and non-defense forces with concurrence by the Secretary of State. Because the non-defense forces of many partner nations and allies have responsibility for national defense (e.g., border security, maritime security, etc.), it is important for U.S. forces to have the ability to train these vital partners. Because of the expansion of this authority, and in order to maintain consistence with other elements of 10 U.S.C. chapter 16, we have included a provision requiring concurrence by the Secretary of State for such training.

Finally, the congressional notification element of this authority was changed in order to continue to satisfy congressional demand for program updates, but also to achieve consistency with other 10 U.S.C. chapter 16 authorities, as well as 10 U.S.C. 1257 counter-narcotics (CN) activities.

Budget Implications: No budgetary impact.

Changes to Existing Law: This section would make the following changes to section 321 of title 10, United States Code:

§ 321. Training with friendly foreign countries: payment of training and exercise expenses

(a) TRAINING AUTHORIZED.—

(1) TRAINING WITH FOREIGN FORCES GENERALLY.—The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other <u>national</u> security forces of a friendly foreign country if the Secretary determines that it is in the national security interest of the United States to do so.

(2) LIMITATION ON TRAINING OF GENERAL PURPOSE FORCES.—The general purpose forces of the United States armed forces may train only with the military forces of a friendly foreign country <u>or, with the concurrence of the Secretary of State, other national security forces</u>.

(3) 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 United States armed forces participating in such training is responsible.

(4) 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 TRAINING AND EXERCISE EXPENSES.—Under regulations prescribed pursuant to subsection (e), the Secretary of a military department or the commander of a combatant command may pay, or authorize payment for, any of the following expenses:

(1) Expenses of training forces assigned or allocated to that command in conjunction with training, and training with, the military forces or other <u>national</u> security forces of a friendly foreign country under subsection (a).

(2) Expenses of deploying such forces for that training.

(3) The incremental expenses of a friendly foreign country as the direct result of participating in such training, as specified in the regulations.

(4) The incremental expenses of a friendly foreign country as the direct result of participating in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

(5) Small-scale construction that is directly related to the effective accomplishment of the training described in paragraph (1) or an exercise described in paragraph (4).

(c) PURPOSE OF TRAINING AND EXERCISES.—

(1) IN GENERAL.—The primary purpose of the training and exercises for which payment may be made under subsection (b) shall be to train United States forces.

(2) SELECTION OF FOREIGN PARTNERS.—Training and exercises with friendly foreign countries under subsection (a) should be planned and prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

(d) 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.

~~(e) QUARTERLY NOTICE ON PLANNED TRAINING.—Not later than the end of the first calendar quarter beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, and every calendar quarter thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the schedule of planned training engagement pursuant to subsection (a) during the calendar quarter first following the calendar quarter in which such notice is submitted.~~

(e) BRIEFING TO CONGRESS ON USE OF AUTHORITY.—Not later than 90 days after the end of each fiscal year in which training is conducted under the authority of subsection (a), the Secretary of Defense shall provide a briefing to 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) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

(2) ELEMENTS.—The regulations required under this section shall provide the following:

~~(A) A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.~~

(~~B~~A) Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

(~~C~~B) Procedures to limit the payment of incremental expenses to friendly foreign countries only to developing countries, except in the case of exceptional circumstances as specified in the regulations.