



Updated November 15, 2024

# Defense Primer: DOD Title 10 Security Cooperation

## Security Cooperation Overview

The Department of Defense (DOD) uses the term *security cooperation* (SC) to refer broadly to DOD interactions with foreign security establishments. SC activities may include (1) the transfer of defense articles and services, (2) international military education and training, (3) military-to-military engagements such as exchanges and exercises, and (4) capacity building of partner security forces.

SC programs are intended to encourage and enable partner nations (PNs) to work with the United States to achieve strategic objectives, such as U.S. national security and foreign policy goals. SC activities are executed through both DOD-administered SC programs (authorized under Title 10 of the *U.S. Code* and temporarily through the annual National Defense Authorization Act [NDAA]) and DOD-implemented Department of State (DOS) security assistance (SA) programs (authorized under Title 22 of the *U.S. Code*). Beyond grant-based programs, SC encompasses the Foreign Military Sales (FMS) program and enables U.S. and PN collaboration on defense articles. The following sections focus on DOD Title 10 activities.

## SC: Policy and Objectives

SC activities aim to achieve particular objectives in support of U.S. national security and defense strategies. Specifically, SC may build defense relationships that promote U.S. security interests, enhance military capabilities of U.S. allies and partners, and provide the United States with access to PNs. Under the overarching goal of furthering U.S. national security and foreign policy interests, SC aims to be mutually beneficial for the United States and its partners. SC activities aim to develop and strengthen a PN's ability to provide internal security, contribute to regional security efforts, combat shared threats, and increase military interoperability with the United States.

After two decades of emphasizing global counterterrorism, SC is now central to U.S. efforts to reorient national security policy toward countering the global influence of China and Russia, and is at the core of both the 2022 National Security Strategy (NSS) and the 2022 National Defense Strategy (NDS). Both strategies emphasize the United States' network of allies and partners as its greatest global advantage in this era of strategic competition and elevate SC as a key tool to advance U.S. interests and deter or deny opportunity to global adversaries.

## SC: Roles and Responsibilities

Many SC activities require DOD to coordinate with multiple DOD components and other federal departments, primarily DOS. Some DOD SC activities require varying levels of coordination with DOS. DOS leads U.S. foreign aid and has final say on SA. DOS's Bureau of Political-Military Affairs (PM) is the principal link to DOD and

ensures that SA is integrated with other U.S. policies and activities at the country, regional, and global levels. PM also determines PN eligibility, appropriate SA programs, and which defense articles are permitted for transfer.

Within DOD, the Undersecretary of Defense for Policy (USD(P)) exercises overall direction, authority, and control over SC matters. In this capacity, USD(P) recommends SC funding levels, budget programming adjustments, and resource allocation. As per DOD Directive (DoDD) 5132.03 and DoDD 5105.65, the Defense Security Cooperation Agency (DSCA) represents the interests of the Secretary of Defense and USD(P) in SC matters and is tasked with directing, administering, and executing many SC programs, developing SC policy, and providing DOD-wide SC guidance (see DSCA Manual 5105.38-M). DSCA is also DOD's main interlocutor between the PNs, implementing agencies, and the defense industry. At the theater level, the Geographic Combatant Commands (GCCs) maintain responsibility for SC in their area of operations, and the Combatant Commanders plan, execute, and assess SC activities. The military departments and the service components support the GCCs in the execution of SC and serve as advisors to the Secretary of Defense. At the country level, the Security Cooperation Organizations (SCOs) within the U.S. Embassy serve as a conduit for communication and coordination between the PN, U.S. agencies, and U.S. industry. The SCO falls under the direction and supervision of the U.S. Chief of Mission.

## SC: Programs and Authorities

The post-9/11 period saw the rapid and piecemeal expansion of DOD SC activities, mainly as temporary authorities that required annual renewal in the NDAA. The FY2017 NDAA (P.L. 114-328) consolidated and codified existing Title 10 SC authorities into Title 10, Chapter 16, Sections 301-386, of the *U.S. Code*. Other provisions aimed to make improvements to the SC programs and themselves, as well as improvements in the management and oversight of those programs.

Some SC programs are authorized under different sections of Title 10, such as the Combatant Commander Initiative Fund (10 U.S.C. §166a) and multiple authorities for U.S.-PN engagements to support humanitarian assistance activities (10 U.S.C. §§401, 402, 404, 407, 2561, 2557). Other SC activities are authorized under different titles of the *U.S. Code*, such as international attendance at the U.S. Coast Guard Academy (14 U.S.C. §192) and the Cooperative Threat Reduction Program (50 U.S.C. §3711).

The DOD also receives temporary SC authorities through the annual NDAA, such as the Indo-Pacific Maritime Security Initiative (P.L. 114-92, §1263, as amended), the Counter-ISIS Train and Equip Fund (P.L. 113-291, §1236,

as amended), and the Ukraine Security Assistance Initiative (P.L. 114-92, §1250, as amended).

## Select Title 10, Chapter 16, SC Program Authorities

### Subchapter II. Military-to-Military Engagements

- §311. U.S.-PN exchange of defense personnel
- §312. Payment of personnel expenses necessary for theater SC
- §313. Performance awards for bilateral and regional cooperation

### Subchapter III. Training with Foreign Forces

- §321. Training with friendly foreign countries
- §322. Joint combined exchange training

### Subchapter IV. Support for Operations and Capacity Building

- §331. Support for conduct of operations
- §332. Defense institution capacity building
- §333. Foreign security forces: authority to build capacity
- §334. Administrative support for foreign defense personnel
- §335. Training expenses to participate in Colombia-led program

### Subchapter V. Educational and Training Activities

- §341. State Partnership Program
- §342. Regional Centers for Security Studies
- §343. Western Hemisphere Institute for SC
- §344. Participation in multinational centers of excellence
- §345. Irregular Warfare Center and Regional Defense Fellowship
- §346. Distribution of training material and information technology
- §347. Service academies
- §348. Aviation Leadership Program
- §349. Inter-American Air Forces Academy
- §350. Inter-European Air Forces Academy
- §351. Inter-American Defense College
- §352. Naval Small Craft Instruction and Technical Training School

**Source:** CRS, information from Title 10, Chapter 16, of the *U.S. Code*.

In the years since the FY2017 SC reforms, there have been multiple developments. For example, the Defense Security Cooperation University (DSCU) was established to train, certify, and provide long-term development of the SC workforce (see also DoD Instruction [DoDI] 5132.15), and DSCU's Institute for Security Governance (ISG) became one of DOD's main international schoolhouses and lead implementer for institutional capacity building. In addition, a DOD Tiger Team was established to improve and accelerate the FMS system. The team transitioned into the Continuous Process Improvement Board, which implements the recommended solutions. The Tiger Team's recommendations also led to the establishment of the Defense Security Cooperation Service and a Security Cooperation Execution Focus Forum.

## Congressional Role

Congress provides the authority and funding for SC programs. The Armed Services committees have jurisdiction over Title 10 SC activities, while the Senate Foreign Relations and House Foreign Affairs committees

have jurisdiction over Title 22 (DOS) SA activities. Although the Armed Services committees are responsible for the authorizing legislation for Title 10 SC programs, both Armed Services and Foreign Affairs/Relations committees exercise oversight of SC activities and the management of SC policy, including the level of coordination between DOD and DOS. Annual appropriations bills, which originate in the appropriations committees, specifically the defense subcommittees, provide funding for Title 10 SC programs and activities.

Primarily (but not solely) through these six committees, Congress plays critical roles in designing and overseeing SC programs and in ensuring that SC activities are aligned with and meet U.S. national security and foreign policy objectives. Pursuant to statutory authorities, the executive branch must regularly notify relevant committees about some SC activities. Congress can exercise oversight in numerous ways, including determining how the executive branch makes decisions for the export of military and dual-use items, using annual authorizing legislation to establish temporary authorities or modify the *U.S. Code* on an enduring basis, reviewing proposed arms transfers and planned SC/SA activities and funding obligations, mandating reports, and holding relevant hearings. The Senate also influences SC through its advice and consent to the ratification of relevant treaties.

## Considerations for Congress

**Strategic competition.** Although SC is most often associated with DOD activities, successful implementation involves coordination among U.S. interagency partners providing various forms of security and developmental assistance. This notion is underpinned in both the 2022 NSS and the 2022 NDS as integrated deterrence, which emphasizes the need to use and effectively coordinate all elements of American national power across military and non-military domains. Congress could consider whether there are bureaucratic and structural challenges in the U.S. interagency that could undermine SC's utility in strategic competition. Congress also could consider what the policy objectives of SC should be and whether existing SC authorities and funding match U.S. strategic objectives.

**Assessment, Monitoring, and Evaluation (AM&E).** The FY2017 NDAA mandated that DOD maintain an AM&E program in support of its SC activities (codified at 10 U.S.C. §383; see also DoDI 5132.14), including lessons learned. Section 383(d) requires DOD to provide an annual report to Congress on these efforts. Congress could consider whether the identified lessons learned are being used to modify SC policy and inform future SC activities. Congress also could consider how SC program effectiveness is evaluated in times of both peace and conflict.

**Congressional notifications and reports.** Congress could consider whether the required congressional notifications and reports provide a picture of SC programs that is accurate and complete enough for effective oversight of SC activities. For example, Congress could consider how such notifications and reports could be expanded, reduced, streamlined, or otherwise altered to improve congressional visibility into these programs.

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