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Defense Primer: DOD “Title 10” Security Cooperation

Security Cooperation (SC) Overview

The Department of Defense (DOD) uses the term *security cooperation* (SC) to refer broadly to DOD interactions with foreign security establishments. SC activities include

- the transfer of defense articles and services;
- military-to-military exercises;
- military education, training, and advising; and
- 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. They are considered a key tool for achieving U.S. national security and foreign policy objectives. These activities are executed through both DOD-administered SC programs (authorized under Title 10, U.S.C.) and DOD-implemented State Department (DOS) security assistance (SA) programs (authorized under Title 22, U.S.C.). Beyond grant-based programs, SC encompasses the Foreign Military Sales 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 emphasizes partnerships, aiming 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.

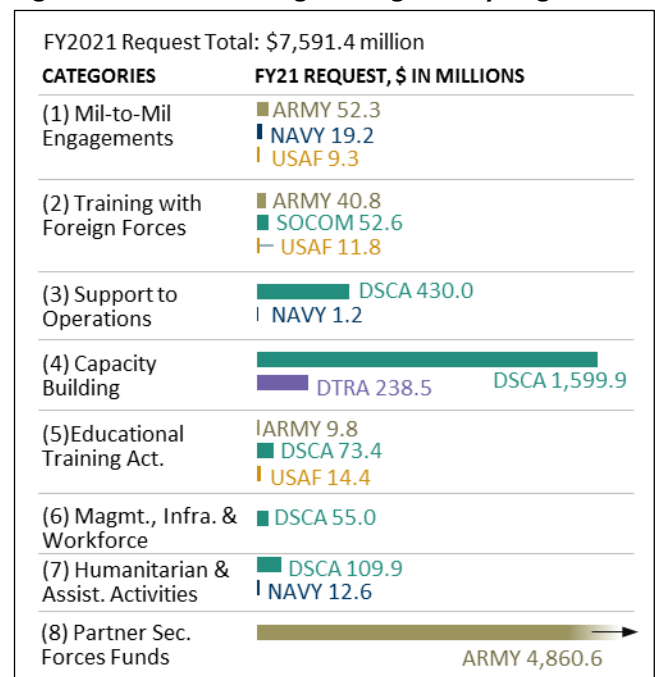
The 2018 National Defense Strategy (NDS) signaled the Trump Administration’s intention to shift SC activities from nearly two decades of prioritizing counterterrorism toward “great power competition” (GPC) with Russia and China. The shift raised questions as to how SC should be realigned to meet this objective and what the implications could be for scaling down counterterrorism-focused SC activities in Africa and the Middle East, especially as Russia and China increase their influence. Some DOD officials and defense analysts have suggested that rather than a shift, counterterrorism, as well as irregular warfare, should remain priorities within GPC. The Biden Administration has yet to release a new NDS; however, its Interim National Security Strategic Guidance broadly identifies authoritarianism and strategic competition as priority threats that require coordination and cooperation with allies and partners.

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. Within DOD, the Undersecretary of Defense for Policy (USD[P]) exercises overall direction, authority, and control over SC matters.

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. DSCA is also DOD’s main interlocutor between the PNs, implementing agencies, and the defense industry. The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD-SO/LIC) oversees and approves some SC training activities that are managed by DSCA. U.S. Special Operations Command (SOCOM) coordinates those SC activities executed by special operations forces (SOF). 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 and equipment are permitted for transfer.

Figure 1. Title 10 SC Budget Categories, by Organization



Source: CRS. Data from DSCA SC Budget Display, FY2021.

Table I. Select Title 10 Security Cooperation Accounts, FY2019-FY2021 (\$ millions)

Account	FY19 Actual	FY20 Enacted /Est.	FY21 Req.	FY21 Authorized P.L. 116-283	FY21 Appropriated P.L. 116-260
DSCA SC - Base	601.5	639.6	598.6	588.6	656.1
DSCA SC - Overseas Contingency Operations	1,392.0	1,439.2	1,557.8	1,630.3	1,528.6
Cooperative Threat Reduction	350.2	373.7	238.5	360.2	360.2
Overseas Hum., Disaster, & Civic Aid	117.7	135.0	109.9	109.9	147.5
Afghanistan Security Forces Fund (ASFF)	3,920.0	4,200.0	4,015.6	4,015.6	3047.6
Counter-IS in Iraq & Syria Train-&Equip (CTEF)	1,352.2	1,195.0	845.0	522.5	710.0

Source: CRS analysis of DOD Budget Documents; H.R. 6395 as became law (P.L. 116-283); H.R. 133 as became law (P.L. 116-260).

Title 10 SC Reforms from the FY2017 NDAA

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 National Defense Authorization Act (NDAA). The FY2017 NDAA (P.L. 114-328) consolidated and codified existing Title 10 SC authorities into 10 U.S.C. §§301-386. Other provisions aimed to make improvements to the SC programs and themselves, as well as improvements in the management and oversight of those programs. Key reforms from the FY2017 NDAA included requirements for the following:

- A consolidated DOD budget request for Title 10 SC programs and activities (10 U.S.C. §381); the first was released for FY2019.
- Harmonized congressional notification requirements for most DOD train and equip programs (10 U.S.C. §333).
- Institutional capacity building programs to strengthen partner defense institutions (10 U.S.C. §332).
- A DOD SC Workforce Development Program to manage a professional workforce in support of SC programs and activities (10 U.S.C. §384).
- A program of assessment, monitoring, and evaluation (AM&E) to be informed and supported by strategic evaluations on initial PN assessments, monitoring of implementation, and the efficiency and effectiveness of SC programs and activities (10 U.S.C. §383).

Congressional Role

Congress provides the authority and funding for SC programs. Title 10 SC activities fall under the jurisdiction of the armed services committees, while Title 22 (DOS) SA activities are under the jurisdiction of the Senate Foreign Relations and House Foreign Affairs committees. Although the armed services committees are responsible for the authorizing legislation for Title 10 SC programs, both committees exercise oversight of SC activities and the management of SC policy, including the level of coordination between DOD and DOS. Funding for Title 10 SC programs and activities is provided through annual appropriations bills, which originates in the appropriations committees, specifically the defense subcommittees.

Primarily (but not solely) through these six committees, Congress plays critical roles in the design and oversight of SC programs and in ensuring that SC activities are aligned with and meeting U.S. national security and foreign policy objectives. Pursuant to statutory authorities, the executive branch must notify relevant committees on a regular basis about some, but not all, SC activities. Congress can exercise oversight roles 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.

DOD’s FY2021 SC Budget Request, Authorizations, and Appropriations

The final FY2021 NDAA (P.L. 116-283) mostly maintained funding levels from DSCA’s FY2021 SC budget request, although some provisions identify SC priority areas. In establishing the Pacific Deterrence Initiative (PDI), the NDAA requires DOD activities, including SC, to prioritize the Indo-Pacific region. The creation of PDI also indicates that the Indo-Pacific will remain a priority for years to come. Other NDAA provisions include a requirement for DOD to identify ways to enhance SC in African countries, as well as amplify SC requirements from the Women, Peace, and Security Act of 2017. The bill also amended DOD’s main train and equip program (10 U.S.C. §333) to add “air domain awareness operations” and “cyberspace security and defensive cyberspace operations” as authorized areas for support.

The final FY2021 Defense Appropriations bill (P.L. 116-260) increased funds for DSCA’s base budget and slightly decreased its Overseas Contingency Operations budget. The bill provides significant increases for SC in both Africa Command’s and Southern Command’s areas of responsibility (funds for both have declined since FY2017) and cuts funding to both CTEF and ASFF (see **Table 1**).

Potential Questions for Congress

- What is the implementation status of key FY2017 NDAA-mandated SC reforms? In what ways have the reforms been successful? What reforms remain outstanding? What improvements can be made to address SC reforms that have not been implemented?
- Are the required congressional notifications and reports sufficient for Congress for oversight of SC activities? How can Congress determine the implications of the money it appropriates on SC programs? How does DOD evaluate the effectiveness of SC programs?
- How are SC programs contributing to or furthering U.S. foreign policy goals and strategic objectives? How do SC activities align with GPC? What impact is the Coronavirus Disease 2019 (COVID-19) pandemic having on U.S. security partnerships and SC programs?

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