

03 JAN 2023

MEMORANDUM FOR DEPUTY UNDER SECRETARY OF THE AIR FORCE FOR **INTERNATIONAL AFFAIRS** DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR DEFENSE EXPORTS AND COOPERATION DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR INTERNATIONAL PROGRAMS DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY DIRECTOR, DEFENSE INFORMATION SYSTEMS AGENCY DIRECTOR, DEFENSE LOGISTICS AGENCY DIRECTOR, DEFENSE THREAT REDUCTION AGENCY DIRECTOR, MISSILE DEFENSE AGENCY DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY DIRECTOR FOR SECURITY ASSISTANCE, DEFENSE FINANCE AND ACCOUNTING SERVICE – INDIANAPOLIS OPERATIONS DIRECTOR OF CYBERSECURITY DIRECTORATE AND DEPUTY NATIONAL MANAGER FOR NATIONAL SECURITY SYSTEMS, NATIONAL SECURITY AGENCY

SUBJECT: Update to the Roles and Responsibilities for Presidential Drawdown Authority, DSCA 23-83 and E-Change 675

REFERENCE: a) Department of Defense Inspector General Draft Report on Evaluation of the DoD's Replenishment Plan for Equipment and Munitions Provided to the Government of Ukraine (Project Number D2022-DEOPA-0149.000)

Effective immediately, section C11.2. "Drawdowns" of the Security Assistance Management Manual (SAMM) is updated to add key stakeholders within the drawdown process. This change is in direct response to the Department of Defense Inspector General's recommendation (reference a) to specify within the SAMM the Under Secretary of Defense for Personnel and Readiness's roles and responsibilities. In addition to the addition of key stakeholders, this update includes several clarifying changes like revising the descriptions for emergency and non-emergency drawdowns, separating the guidance on articles and services, and adding references to ensure identified articles comply with enhanced end-use monitoring and targeting infrastructure policy. If you have general questions on this policy or the SAMM, please contact Ms. Caroline Chin, DSCA (Office of Strategy, Plans, and Policy, Execution Policy and Analysis Directorate (SPP/EPA)) at (703) 697-9073, caroline.s.chin.civ@mail.mil.

David Ferrari Assistant Director Strategy, Plans and Policy

Attachment: Security Assistance Management Manual E-Change 675

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C11.2. - Drawdowns.

<u>C11.2.1.</u> Definition and Purpose. The Foreign Assistance Act (FAA) authorizes the President to direct transfers of articles and services from the inventory and resources of any agency of the United States Government to support foreign countries and international organizations in response to unforeseen military emergencies or for other legislatively authorized purposes. The different authorized purposes for drawdowns are summarized in <u>Table C11.T4</u>. These drawdowns may include the transfer of DoD stocked defense articles, services, and military education and training. Except for transportation and related services where new contracts would cost less than providing such services with DoD assets, new procurement is not authorized for drawdowns and no new funds may be placed on existing contracts.

Legislation	Subject	Notification to Congress
FAA, Section 506(a)(1) [22 U.S.C. 2318(a)(1)]	 DoD Drawdown for unforeseen emergencies: Authorizes the President to direct DoD drawdowns for unforeseen emergencies requiring immediate military assistance that cannot be addressed under the Arms Export Control Act (AECA) or any other law. 	Prior Notice required by FAA, Section 652 [<u>22</u> <u>U.S.C. 2411</u>]
	• Defense articles already on hand in DoD stocks, DoD services, and military education and training may be provided.	
	• May include the supply of commercial transportation and related services if the cost of commercial transportation is less than the cost of U.S. Government provided transportation.	
	• Section 506 requires President to report to Congress that an unforeseen emergency required immediate military assistance.	
	• The aggregate value of all drawdowns directed in any fiscal year under this authority may not exceed \$100M.	
FAA, Section 506(a)(2) [22 U.S.C. 2318(a)(2)]	DoD Drawdown for international narcotics control or antiterrorism assistance.	15-day Notice Required by Section 506. Prior Notice also required by

Table C11.T4. Drawdown Legislation Summary

Legislation	Subject	Notification to Congress
		FAA, Section 652 [22 U.S.C. 2411]
	DoD Drawdown for international disaster assistance, nonproliferation assistance, migration and refugee assistance, or cooperative efforts in Cambodia, Laos and Vietnam to repatriate unaccounted US personnel (Prisoner of War (POW) / Missing in Action (MIA)) from the Vietnam war:	Prior Notice Required by Section 506 and also FAA, Section 652 [<u>22</u> <u>U.S.C. 2411</u>]
	• No more than \$15M may be used for POW/MIA drawdowns in a given fiscal year.	_
	For all Section 506(a)(2) drawdowns:	
	• Inventory and resources of any USG agency may be provided.	
	• May include the supply of commercial transportation and related services if the cost of commercial transportation is less than the cost of U.S. Government provided transportation.	
	• The aggregate value of all drawdowns directed in any fiscal year under this authority may not exceed \$200M of which:	
	• No more than \$75M may come from the Department of Defense.	
	• No more than \$75M may be used for international narcotics control.	
FAA, Section 552(c)(2) [22 U.S.C. 2348a(c)(2)]	DoD Drawdown for Peacekeeping Operations (PKOs):	15-day Notice required by Section
	• Authorizes drawdown if the President determines that an unforeseen emergency requires the immediate provision of commodities and services of any USG agency to countries and international organizations to support PKOs.	552. Prior Notice also required by FAA, Section 652 [22 <u>U.S.C. 2411</u>]
	• The aggregate value of drawdowns directed under this authority may not exceed \$25M per fiscal year.	
	• Congress may appropriate funds to reimburse the value of provided drawdown support.	

<u>C11.2.2.</u> Partner Nation Eligibility. Defense articles and services may be drawn down and transferred to a friendly foreign country or international organization only if the President issues a Presidential Determination (PD) in accordance with the FAA. An FAA, section 503 [22 U.S.C. 2311] eligibility determination must be completed by the Department of State (State) and the required FAA, section 505 [22 U.S.C. 2314] assurances must be signed by the proposed foreign country recipient before the drawdown can be executed.

C11.2.3. Types of Drawdowns.

C11.2.3.1. Emergency Drawdowns. Drawdowns may be precipitated by an emergency in a foreign country or region. The National Security Council (NSC), State, and DoD, hereafter referred to as the interagency, coordinate the USG response. This interagency process determines which existing statutory authority applies and identifies which articles and services should be provided. Potential contributing USG agencies and the military services furnish valuation and availability (V&A) data to Office of Under Secretary Comptroller (OUSD (C)indicating the estimated value of the articles and services are anticipated to drawdown. The DSCA (Office of International Operations (IOPS)) tasks the Military Departments (MILDEPs) to provide the V&A data and a strategic readiness impact assessment, an Operations & Maintenance (O&M) budget impact assessment for all available articles and services that may be drawn from DoD stock, and ensure identification of available articles comply with enhanced end-use monitoring (EEUM) (see Table C8.T4.) and targeting infrastructure policy (TIP) (see Section C4.4.18.). DSCA (IOPS) provides the interagency with DoD's V&A data and the strategic readiness impact assessment for articles and services under consideration to inform planning and tradeoff discussions. The interagency recommends which articles and services should be provided taking into consideration current availability and potential strategic readiness impact to US forces. The President accomplishes a PD to define the scope and the maximum dollar value authorized for the approved drawdown. After an emergency drawdown is authorized, a drawdown execution message is issued. The drawdown execution message, prepared and issued by DSCA (IOPS), identifies the articles and services that may be provided under the drawdown, the organizations authorized to provide the articles and services and associated reporting requirements (e.g. serial numbers and certification of partner nation storage facilities of EEUM designated articles; targeting infrastructure compliance; Packing, Crating, and Handling (PC&H) and transportation costs; actual value of drawdowns; and deliveries). Emergency drawdowns end when the value of the PD authority is exhausted or the U.S. response to the emergency ends. To document the end of the drawdown, pursuant to interagency direction, DSCA (IOPS) sends out a termination message.

<u>C11.2.3.2.</u> Non-Emergency Drawdowns. Drawdowns may be authorized in non-emergency situations to support mid- to long-term foreign policy initiatives such as international narcotics control, antiterrorism assistance, international disaster assistance, nonproliferation assistance, migration and refugee assistance, or cooperative efforts or peacekeeping operations (See <u>Table C11.T4.</u>). Non-emergency drawdown procedures are the same as emergency drawdown procedures except the planning timeline may be extended to allow for more deliberate tradeoff discussions. For a non-emergency drawdown, the PD will provide the total value of the drawdown which cannot be exceeded but the articles and services authorized for transfer will be determined by an iterative planning process that may take several months to complete, vice the

accelerated planning timeline required for emergency drawdowns. After articles and services authorized for transfer are determined, a drawdown execution message is issued. Delivery of articles and services may also take place over an extended period of time. Similar to emergency drawdowns, non-emergency drawdowns end when the value of the PD authority is exhausted and/or the interagency instructs DSCA (IOPS) to issue a termination message.

<u>C11.2.4.</u> Types of Articles, Services (to include transportation), and Training Provided Under <u>Drawdowns.</u> When necessary to facilitate effective use of transferred major end items, drawdown support should include complete support packages to include spare parts and training for O&M of the major end item.

<u>C11.2.4.1.</u> Articles. Transferred equipment must have been in DoD stocks or on order at the time the PD was approved. Unless otherwise authorized, materiel must be provided in condition code "B," or Full Mission Capable (FMC) condition, or -10/-20 standards or better. Associated spare parts requisitions are processed on a "Fill or Kill" basis. The approval date for a drawdown is the date the drawdown is notified to Congress. MILDEPs cannot place a hold, reserve, or fence equipment or spares prior to the release of DSCA (IOPS)'s drawdown execution message.

<u>C11.2.4.1.1.</u> Defense Working Capital Fund Items. Defense Working Capital Fund (DWCF) items may be used to fulfill drawdown requirements. Pursuant to Under Secretary of Defense (Comptroller) (USD (C)) policy DoD Financial Management Regulation (DoD FMR) 7000.14-R, Volume 12, Chapter 23, Section 2305. A MILDEP must use their O&M funds to reimburse the working capital account. The DWCF may only use stock that was on hand or ordered before the PD was approved to fill the requisition order. It is the responsibility of the MILDEP to seek confirmation of the working capital account's ability to fill a requisition with existing stock or on order stock before submitting the requisition.

<u>C11.2.4.1.2.</u> Special Defense Acquisition Funds. A MILDEP may not purchase items from the Special Defense Acquisition Funds (SDAF) to provide drawdown support unless allowed on a case-by case basis.

<u>C11.2.4.1.3.</u> Articles designated for Enhanced End-Use Monitoring. The MILDEPs must report serial numbers of EEUM articles in advance of shipment to DSCA (Office of International Operations, Global Execution Directorate, Assistance & Monitoring Division (IOPS/GEX/AMD)) and <u>dsca.eumhelpdesk@mail.mil</u> via Non-classified Internet Protocol Router Network (NIPRnet) email. MILDEPs are responsible for conducting physical security inspections for certifications of partner nations' storage facilities before EEUM-designated weapons systems and enhanced case-unique weapons systems are delivered or moved to a new or uncertified facility, with the exception of Night Vision Devices (NVDs) and Communications Security (COMSEC) equipment, and hostile environments. See <u>Table</u> <u>C8.T2., Table C8.T4., Section C8.4.3.</u>, and <u>Section C8.5.5.</u>

<u>C11.2.4.1.4.</u> Articles Requiring Targeting Infrastructure Compliance. The MILDEPs must provide an assessment if the partner nation has a sufficient previously established U.S., indigenous, or third-party solution for targeting infrastructure to DSCA (Office of International Operations, Weapons Directorate (IOPS/WPN)) via NIPRnet email (see Section C4.4.18.).

<u>C11.2.4.2.</u> Services. DoD personnel may provide services in support of a drawdown. DoD contractors may also be used to provide drawdown services if the MILDEP obligated O&M funds for the contractor's services prior to the PD approval. After a PD is approved, a MILDEP may not incur a new obligation under existing or a new contract to support the drawdown. The nature of the services provided by either DoD personnel or DoD contractors must fall within the scope of the PD.

<u>C11.2.4.2.1.</u> Transportation and Packing, Crating, and Handling. United States Transportation Command (USTRANSCOM) is generally responsible for coordinating and executing air and sealift of cargo into designated theatre locations and ensuring they arrive to the end user. The MILDEPs are responsible for Continental United States (CONUS)-based PC&H, which includes cargo movement to CONUS-based ports of embarkation or consolidation points. New commercial contracts for transportation and related services may be used if the cost is less than the cost to use USG assets. Existing contracts or resources may be used for airlift and sealift if their scope covers the proposed use (such as time-charter or multiple air mission agreements).

<u>C11.2.4.2.1.1.</u> All transportation and PC&H costs must be included as part of the total Presidential drawdown authority amount. Any CONUS transportation effort(s) should fall under PC&H, and any OCONUS transportation effort(s) should fall under a separate transportation line on the PD.

<u>C11.2.4.2.1.2.</u> The MILDEP allocated Transportation and PC&H in the Execute Order (EXORD) is responsible the cost to transport equipment to the end user, to include reimbursing USTRANSCOM for all costs incurred when applicable.

<u>C11.2.4.2.1.3.</u> The MILDEPs must report actual PC&H and Transportation costs in the DSCA 1000 System within 90 days based on bills received from the organization responsible for executing the movement.

<u>C11.2.4.2.2.</u> Cargo Preference Act of 1954. [Ref <u>46 U.S.C. 55305</u>]. All drawdowns items transferred by ocean carriers must follow U.S. cargo preference requirements (See <u>Section</u> <u>C7.9.</u>). Recipient countries must use U.S. flag vessels unless the Maritime Administration (MARAD) has issued a non-availability waiver. MARAD assists in monitoring these statutes. The MILDEPs must consider cargo preference requirements when considering transportation options for drawdowns. The responsible office at MARAD is:

USDOT/Maritime Administration Office of Cargo Preference and Domestic Trade 1200 New Jersey Avenue S.E. MAR 730, W23-444 Washington DC 20590

<u>C11.2.5. Value of Drawdowns.</u> It is critical to ensure that projected values are as accurate as possible. Close coordination between DSCA (IOPS), DSCA (Office of Business Operations, Financial Policy & Regional Execution Directorate, Financial Reporting and Compliance Division (OBO/FPRE/FRC)) and the MILDEPs during drawdown execution is critical to reconcile values as

early as possible. The Services should report actual value of drawdowns to DSCA (OBO/FPRE/FRC) in the DSCA 1000 system no later than 90 days after delivery of the equipment (See <u>Section C11.2.8.1.</u>). Value of articles, training, and services is determined using the following guidance:

C11.2.5.1. Value of Articles. The value of drawdown articles is calculated pursuant to DoD FMR 7000.14-R, Volume 4, Chapter 4 for inventory and related property (i.e., operating materials and supplies, and stockpile material) and <u>Volume 4, Chapter 25</u> for general equipment. MILDEP replacement cost should not be used to determine the replacement value of drawdown articles. MILDEPs should not use replacement cost as the value of defense articles being provided under drawdown authority.

<u>C11.2.5.2.</u> Value of Training. The value of drawdown military education and training is based on the additional costs incurred by the USG to provide the training (i.e., Foreign Military Financing (FMF) Grant or incremental rate pursuant to <u>DoD FMR 7000.14-R</u>, <u>Volume 15</u>, <u>Chapter 7</u>).

<u>C11.2.5.3.</u> Value of Services. The value of services provided under drawdowns is based on actual costs to the USG to provide the service. Funded civilian pay and travel and per diem costs of military and civilian personnel performing an approved support role that is devoted exclusively to the drawdown effort may be included when computing the value of drawdown services. Value does not include salaries of the members of the U.S. Armed Forces and unfunded civilian retirement and other benefits.

C11.2.6. Key Stakeholders.

<u>C11.2.6.1.</u> Department of State (State). State serves as the USG lead. State presents the interagency proposal to the President of the United States (POTUS) for a PD decision and notifies Congress of the PD. When a new PD is authorized by the President, State issues the authorization memorandum to the executing or supplying department/s within the USG.

<u>C11.2.6.2.</u> Defense Security Cooperation Agency. The DSCA tasks the MILDEPs to provide required planning information; collects and coordinates DoD's inputs to finalize a PD; informs Combatant Commands and MILDEPs of PD authorizations; tracks overall usage of PD authority to ensure PD ceiling is not exceeded; and provides PD reports to Congress.

<u>C11.2.6.3.</u> Combatant Command. The cognizant Combatant Command (CCMD) confirms the PD requirements.

<u>C11.2.6.4.</u> Applicable Military Departments. The MILDEP determines what articles and services could be provided, whether there would be any impact to a MILDEP's strategic readiness if drawdown support is provided, whether MILDEP drawdown support is feasible, and identification of which available articles require compliance with EEUM (see <u>Table C8.T4.</u>) and TIP (see <u>Section C4.4.18.</u>). Reports an assessment if the partner nation has a sufficient previously established U.S., indigenous, or third-party solution for targeting infrastructure (see <u>Section C4.4.18.</u>), serial numbers and certification of partner nations' storage facilities of EEUM designated articles in advance of shipment (see <u>Table C8.T2.</u>, <u>Section C8.4.3.</u>, and <u>Section</u>

<u>C8.5.5.</u>), PC&H and transportation costs, value of drawdowns. Reports PD deliveries and monitors drawdown execution.

<u>C11.2.6.5.</u> Joint Staff. The Joint Staff (JS) monitors drawdown execution and advises Secretary of Defense (SECDEF) of any concerns that PD support adversely impacts DoD's military readiness and supports evaluation of potential sourcing options.

<u>C11.2.6.6.</u> Country Teams. The Country team will support the CCMD to confirm requirements with the partner and will include the Security Cooperation Organization (SCO) if defense articles and services are to be provided.

<u>C11.2.6.7.</u> Office of the Secretary Defense for Policy. The Office of the Secretary of Defense (Policy) (OSD (P)) is SECDEF's principal staff assistant (PSA) and advisor for all matters regarding the formulation of national security and defense strategy and policy and the integration and oversight of DoD policy, strategy, plans, execution, and capabilities to achieve national security objectives.

<u>C11.2.6.8.</u> Office of the Secretary of Defense for Personnel and Readiness. The Office of the Secretary of Defense for Personnel and Readiness (OSD (P&R)) is the PSA and advisor to SECDEF for Total Force management; National Guard and Reserve Component affairs; and readiness and training; OSD (P&R) develops and promulgates guidance on how to conduct the required strategic readiness impact assessment and leads analysis of the immediate and long-term impacts of any proposed drawdown assistance on Joint force readiness.

<u>C11.2.6.9.</u> Defense Technology Security Administration. The Defense Technology Security Administration (DTSA) reviews proposed PD packages to ensure compliance with technology transfer policy, the release of classified military information, and international programs security requirements.

<u>C11.2.7.</u> Drawdown Process. <u>Table C11.T5.</u> summarizes the drawdown planning and development process. All personnel supporting this planning and development process, or the execution of the drawdowns themselves, must charge time spent and expenses incurred to an O&M appropriation of their respective Service or agency. DSCA will not reimburse other agencies for personnel costs incurred as a result of a PD and subsequent drawdown of articles, services, and / or training. DSCA also will not authorize the use of a Foreign Military Sales (FMS) Administrative funds line of accounting to support PD planning and execution because the FMS Administrative account does not have reimbursable authority and thus, cannot be reimbursed by the appropriate O&M appropriation.

Table C11.T5.	Drawdown Process
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Step	Actions
1	Crisis occurs or policy situation develops
2	Interagency process determines "Drawdown" is required.

Step	Actions
3	• The CCMD identifies capability requirements.
	• State determines whether foreign partner's human rights issues preclude proposed drawdown assistance.
	• State obtains FAA, section 505 [22 U.S.C. 2314] end-use agreement from proposed recipient country if one is not already available.
	• A draft drawdown requirements list is developed and DSCA tasks the MILDEPs to provide V&A data, a strategic readiness impact assessment, an O&M budget impact assessment on all proposed assistance, and identification of which available articles require compliance with EEUM (see <u>Table C8.T4.</u>) and TIP (see <u>Section C4.4.18.</u>).
	• The MILDEPs provide V&A data, a strategic readiness impact assessment, an O&M budget impact assessment, identification of which available articles require compliance with EEUM (see <u>Table C8.T4.</u>) and TIP (see <u>Section C4.4.18.</u>) on all proposed assistance to DSCA, OSD (P), OSD (P&R) and the rest of the interagency. The V&A data and assessments are considered when evaluating possible articles and services before the PD package is finalized.
	• JS, MILDEPs and USTRANSCOM investigate and consider sourcing solutions and report findings to DSCA.
	• Throughout the interagency process to finalize the proposed PD, the drawdown package is continually reviewed and updated. The interagency determines which articles and services are authorized for transfer depending on availability and operational impact to US forces. To the extent possible, the drawdown execution message will attempt to balance costs among MILDEPs.
4	If required by the authorizing legislation (See <u>Table C11.T4.</u>), State develops, staffs and coordinates the Congressional Notification (CN) package.
5	If required by the authorizing legislation (See <u>Table C11.T4.</u>), Congress is notified - 15-days prior to completion of the PD.
6	After the applicable Congressional Notification is complete, State sends a memorandum of justification and a proposed PD to the President. The final PD authorizes what the DoD can provide and becomes the base reference for execution of the drawdown.
7	 DSCA prepares and issues the drawdown execution message identifying the articles, services, and training that may be provided under the drawdown. The DSCA drawdown execution message must identify the articles that require compliance with EEUM (see <u>Table C8.T4.</u>) and TIP (see <u>Section C4.4.18.</u>). Before issuing the message, DSCA must have: A signed PD,
	• Confirmed completion of State vetting (e.g., Trafficking in Persons, Child Status Protection Act (CSPA), Leahy Vetting). Vetting verifies the absence of any human rights concerns with the assisted foreign partner or any other legal restrictions that would preclude assistance.

Step	Actions
	• Copies of the MILDEP strategic readiness impact assessments for all articles included within the signed PD.
	• An assessment if the partner nation has a sufficient previously-established U.S., indigenous, or third-party solution for targeting infrastructure, as applicable (see Section C4.4.18.).
	• A certification of partner nations' storage facilities in advance of shipment of EEUM designated articles, as applicable (see <u>Table C8.T2.</u> , <u>Section C8.4.3.</u> , and <u>Section</u> <u>C8.5.5.</u>).
8	The MILDEPs (and others as appropriate) receive the drawdown execution message and provide Military Service O&M funding to the agencies/organization responsible for executing the drawdown. The executing agencies/organization provides the articles, services, and training to the recipient(s).
9	DSCA, OSD (P), OSD (P&R), Chairman of the Joint Chiefs of Staff (CJCS), and the CCMD monitor the execution and as required may recommend the interagency authorize an updated drawdown execution message to curtail further support due to changed circumstances.
10	The MILDEPs submit delivery data on drawdowns into DSCA's 1000 System database. Tracking data includes: Item/Service, Quantity, Unit Cost (drawdown value), Equipment (Total Quantity Cost), Services/Repair, Training (if applicable), Spare Parts, Design/Construction Services, Support Equipment, PC&H, Transport, and Total Item/Service Cost (sum of all other categories for each items). Salaries for civilian services should be separately identified.
	The MILDEPs submit an assessment if the partner nation has a sufficient previously- established U.S., indigenous, or third-party solution for targeting infrastructure, as applicable (see <u>Section C4.4.18.</u>), to DSCA (IOPS/WPN) via NIPRnet email.
	The MILDEPs submit serial numbers and certification of partner nations' storage facilities of EEUM designated articles in advance of shipment to DSCA (IOPS/GEX/AMD) and dsca.eumhelpdesk@mail.mil via NIPRnet email (see <u>Table C8.T2.</u> , <u>Table C8.T4.</u> , <u>Section C8.4.3.</u> , and <u>Section C8.5.5.</u>).
11	The MILDEPs reconcile the drawdown delivery data and ensure all cost elements are reported in the 1000 System. DSCA (OBO/FPRE/FRC) monitors and tracks the MILDEPs reported delivered values to funding authority issued to each agency/organization responsible for executing portions of the drawdown to ensure that delivered values are within the authorized PD thresholds. The DoD cannot exceed the drawdown authority provided in the PD. DSCA must also ensure that the combined drawdown support from multiple PDs in a given fiscal year do not exceed legislative limits for the applicable drawdown authority.
12	DSCA (OBO/FPRE/FRC) provides formal reports to Congress on the articles, services, and training provided.

C11.2.8. Congressional Reporting for Drawdowns.

<u>C11.2.8.1.</u> Foreign Assistance Act, Section 506 Report. FAA, section 506 [22 U.S.C. 2318] requires the DoD to provide a report to Congress detailing all the defense articles, defense services, and military education and training provided to the recipient country or international organization upon delivery of such articles, or completion of services, or education and training. Within 90 days of delivering articles/services, the MILDEPs should provide delivery data to DSCA (OBO/FPRE/FRC) in the 1000 system. DSCA (OBO/FPRE/FRC) prepares the report using the MILDEP provided delivery data. Along with the delivery data, MILDEPS must also report to DSCA (OBO/FPRE/FRC), on any savings realized by using commercial transportation services instead of acquiring those services from USG transport assets, as this information is required for the report to Congress.

<u>C11.2.8.2.</u> Drawdown Support for the United Nations. Support to the United Nations (UN) may require additional Congressional reporting and notifications that would not otherwise be needed for other types of drawdowns for a foreign partner or a different international organization.

<u>C11.2.8.2.1.</u> Title <u>22 U.S.C. 287b</u> requires an annual report to Congress regarding U.S. support to UN including US cash and in-kind contributions to UN PKOs. A drawdown that provides in kind contributions in excess of \$100,000 to a UN PKO would need to be incorporated into this annual report. This law also requires U.S. support to the United Nations to be notified to Congress but drawdown support pursuant to FAA, Section 506(a)(1) [22 U.S.C. 2318(a)(1)] or FAA, Section 552(c)(2) [22 U.S.C. 2348a(c)(2)] are exempted from this notification requirement. Such drawdown support would be notified pursuant to the drawdown authority rather than a notification required by Title <u>22 U.S.C. 287b</u>.

<u>C11.2.8.2.2.</u> Title <u>22 U.S.C. 287e-2</u> requires the US government to obtain a commitment from the UN to reimburse the US government if we provide drawdown assistance to the UN or to a foreign partner to assist that partner's participation in a UN PKO. The requirement to seek a UN's reimbursement commitment does not apply if the US provides less than \$3M worth of support in a fiscal year to a given operation. The President can also waive the requirement to seek reimbursement by providing a 15-day notice to Congress.