

of this section, the Secretary of Defense, with the concurrence of the Secretary of State, shall certify to the appropriate congressional committees that the transfer meets the conditions specified in subsection (b) of this section.

“(2) EMERGENCIES.—In the case of an emergency, as determined by the President, not later than 5 days after making a transfer under subsection (a) of this section, the President shall—

“(A) certify to the appropriate congressional committees that the transfer supports the national security interests of the United States; and

“(B) provide to the appropriate committees of Congress an assessment of the impacts, risks, and mitigation measures with respect to the matters referred to in paragraphs (1) through (4) of subsection (b) of this section.

“(d) ASSESSMENT.—

“(1) IN GENERAL.—The Secretary of Defense shall conduct an assessment with respect to the following matters:

“(A) The current quantity and type of precision-guided munitions in the stockpile pursuant to section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011), as amended.

“(B) The quantity and type of precision-guided munitions necessary for Israel to combat Hezbollah and hostile forces that threaten Israel.

“(C) The quantity and type of precision-guided munitions necessary for Israel in the event of a sustained armed confrontation with other armed groups and terrorist organizations.

“(D) The current United States inventory of precision-guided munitions of the type specified in subparagraphs (A), (B), and (C) and ability of that inventory to meet requirements of current Operation Plans.

“(E) Department of Defense efforts to expand precision-guided munitions production and stockpiles to meet operational requirements.

“(F) Israel’s efforts to expand precision-guided munitions production and stockpiles to meet operational requirements.

“(2) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall submit to the appropriate congressional committees [Committees on Foreign Relations and Armed Services of the Senate and Committees on Foreign Affairs and Armed Services of the House of Representatives] a report on the results of the assessment required by paragraph (1), including a description of such results with respect to each matter described in that paragraph.

“(B) FORM.—The report required by subparagraph (A) shall be submitted in classified form.

“(e) TERMINATION.—The authority of the President to transfer precision-guided munitions under this section shall terminate on the date that is three years after the date of the enactment of this Act.”

#### FISCAL YEAR 1992 ADDITIONS TO STOCKPILES IN ISRAEL

Pub. L. 102-145, §118, as added by Pub. L. 102-266, §102, Apr. 1, 1992, 106 Stat. 93, provided in part that the authority and conditions provided in section 571 of H.R. 2621, One Hundred Second Congress, 1st Session, as passed by the House on June 19, 1991, shall be applicable to funds appropriated by Pub. L. 102-145 (and are hereby enacted) in lieu of the authority and conditions provided in section 573 of Pub. L. 101-513 [amending this section]. Section 571 of H.R. 2621, as referred to above, provided that: “Notwithstanding section 514(b) of the Foreign Assistance Act of 1961 [subsec. (b) of this section], additions may be made to stockpiles in Israel during fiscal year 1992 having a value of \$300,000,000: *Provided*, That the word ‘value’ as used in this section shall have the same meaning as in section 514 of the Foreign Assistance Act of 1961 [this section].”

#### REPUBLIC OF KOREA STOCKPILING AUTHORITIES; REPORT TO CONGRESS

Pub. L. 96-92, §6(b), Oct. 29, 1979, 93 Stat. 703, directed President to transmit to Congress, not later than Dec. 31, 1979, a report regarding stockpiling authorities for Republic of Korea, prior to repeal by Pub. L. 97-113, title VII, §734(a)(11), Dec. 29, 1981, 95 Stat. 1560.

#### APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED

Pub. L. 116-283, div. A, title XII, §1280B, Jan. 1, 2021, 134 Stat. 3985, provided that: “In this subtitle [subtitle H (§§1271-1280B) of title XII of div. A of Pub. L. 116-283, see Short Title of 2021 Amendment note set out under section 2151 of this title], the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

“(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.”

#### Executive Documents

##### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

#### § 2321i. Overseas management of assistance and sales programs

##### (a) Assignment of military personnel for performance of enumerated functions

In order to carry out his responsibilities for the management of international security assistance programs conducted under this part, part V of this subchapter, and the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President may assign members of the Armed Forces of the United States to a foreign country to perform one or more of the following functions:

- (1) equipment and services case management;
- (2) training management;
- (3) program monitoring;
- (4) evaluation and planning of the host government’s military capabilities and requirements;
- (5) administrative support;
- (6) promoting rationalization, standardization, interoperability, and other defense cooperation measures; and
- (7) liaison functions exclusive of advisory and training assistance.

##### (b) Furnishing of advisory and training assistance

Advisory and training assistance conducted by military personnel assigned under this section shall be kept to an absolute minimum. It is the sense of the Congress that advising and training assistance in countries to which military personnel are assigned under this section shall be provided primarily by other personnel who are not assigned under this section and who are detailed for limited periods to perform specific tasks.

##### (c) Number of personnel assigned; waiver; procedure applicable

(1) The number of members of the Armed Forces assigned to a foreign country under this section may not exceed six unless specifically

authorized by the Congress. The president may waive this limitation if he determines and reports to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, 30 days prior to the introduction of the additional military personnel, that United States national interests require that more than six members of the Armed Forces be assigned under this section to carry out international security assistance programs in a country not specified in this paragraph. Pakistan, Tunisia, El Salvador, Honduras, Colombia, Indonesia, the Republic of Korea, the Philippines, Thailand, Egypt, Jordan, Morocco, Saudi Arabia, Greece, Portugal, Spain, and Turkey are authorized to have military personnel strengths larger than six under this section to carry out international security assistance programs.

(2) The total number of members of the Armed Forces assigned under this section to a foreign country in a fiscal year may not exceed the number justified to the Congress for that country in the congressional presentation materials for that fiscal year, unless the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are notified 30 days in advance of the introduction of the additional military personnel.

**(d) Costs**

Effective October 1, 1989, the entire costs (excluding salaries of the United States military personnel other than the Coast Guard) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this part or the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than any such costs which are either paid directly for such defense services under section 21(a) of the Arms Export Control Act [22 U.S.C. 2761(a)] or reimbursed from charges for services collected from foreign governments pursuant to section 21(e) [22 U.S.C. 2761(e)] and section 43(b) [22 U.S.C. 2792(b)] of that Act.

**(e) Direction and supervision of assigned personnel**

Members of the Armed Forces assigned to a foreign country under this section shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

**(f) Presidential directive respecting purchase by foreign country of United States-made military equipment**

The President shall continue to instruct United States diplomatic and military personnel in the United States missions abroad that they should not encourage, promote, or influence the purchase by any foreign country of United States-made military equipment, unless they are specifically instructed to do so by an appropriate official of the executive branch.

(Pub. L. 87-195, pt. II, §515, as added Pub. L. 93-559, §16, Dec. 30, 1974, 88 Stat. 1799; amended Pub. L. 94-329, title I, §104, June 30, 1976, 90 Stat. 731; Pub. L. 95-92, §7(a), Aug. 4, 1977, 91 Stat. 615; Pub. L. 95-384, §9, Sept. 26, 1978, 92 Stat. 732;

Pub. L. 96-92, §7, Oct. 29, 1979, 93 Stat. 703; Pub. L. 96-533, title I, §114, Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97-113, title I, §112, Dec. 29, 1981, 95 Stat. 1527; Pub. L. 99-83, title I, §125, Aug. 8, 1985, 99 Stat. 205; Pub. L. 100-690, title IV, §4305(a), Nov. 18, 1988, 102 Stat. 4273; Pub. L. 101-165, title IX, §9104(a), Nov. 21, 1989, 103 Stat. 1152; Pub. L. 101-167, title III, Nov. 21, 1989, 103 Stat. 1213; Pub. L. 102-391, title V, §556(c), Oct. 6, 1992, 106 Stat. 1675; Pub. L. 104-164, title I, §143, July 21, 1996, 110 Stat. 1434.)

**Editorial Notes**

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsecs. (a) and (d), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

1996—Subsec. (a)(6). Pub. L. 104-164 struck out “among members of the North Atlantic Treaty Organization and with the Armed Forces of Japan, Australia, and New Zealand” after “defense cooperation measures”.

1992—Subsec. (d). Pub. L. 102-391, which directed the substitution of “(excluding salaries of the United States military personnel other than the Coast Guard)” for “(excluding salaries of the United States military personnel)”, was executed by making the substitution for “(excluding salaries of United States military personnel)”, to reflect the probable intent of Congress.

1989—Subsec. (d). Pub. L. 101-167 inserted “or the Arms Export Control Act” after “this part”.

Pub. L. 101-165 changed effective date from Oct. 1, 1982, to Oct. 1, 1989, and provided that costs would exclude rather than include salaries of U.S. military personnel.

1988—Subsec. (c)(1). Pub. L. 100-690 inserted “Colombia,” after “Honduras,”.

1985—Subsec. (c)(1). Pub. L. 99-83 substituted “Pakistan, Tunisia, El Salvador, Honduras” for “For the fiscal year 1982 and the fiscal year 1983”.

1981—Subsec. (a). Pub. L. 97-113 substituted provision authorizing the President to assign members of the Armed Forces of the United States to a foreign country to perform one or more enumerated functions for provision requiring specific Congressional authorization for military assistance groups, etc., to operate in a foreign country, with exception of regular units of the Armed Forces of the United States engaged in routine functions designed to bring about standardization of military operation and procedures between United States forces and defense treaty allies.

Subsec. (b). Pub. L. 97-113 substituted provision directing that advisory and training assistance conducted by military personnel assigned under this section be kept to an absolute minimum for provision authorizing the President to assign military personnel under international security programs to Portugal, Spain, Jordan, the Philippines, the Republic of Korea, Panama, Greece, Turkey, Indonesia, Thailand, Morocco, Egypt, and Saudi Arabia to perform logistics management, transportation, fiscal management, and contract administration of country programs, designated the maximum number assignable, and provided for reimbursement from Saudi Arabia. See subsec. (a) of this section.

Subsec. (c). Pub. L. 97-113 substituted provision designating the maximum number of personnel assignable, waiver of this limitation, and the procedures applicable for provision relating to assignment of military personnel to countries not specified in former subsec. (b) of this section for performance of accounting and other management functions, the maximum number assign-

able, and an exception to that number if the Chief of the Diplomatic Mission so requests.

Subsec. (d). Pub. L. 97-113 substituted provision directing that, effective Oct. 1, 1982, the entire costs of overseas management of international security assistance programs be charged or reimbursed from funds made available to carry out this part, other than costs paid directly for defense services under section 2761(a) of this title or reimbursed from charges for services collected from foreign governments pursuant to sections 2761(e) and 2792(b) of this title, for provision that the maximum number of members of the Armed Forces assignable for fiscal year 1979 to all countries not exceed 790.

Subsec. (e). Pub. L. 97-113 substituted “under this section” for “under subsection (b) or (c) of this section” and “to that country” for “in that country”.

Subsec. (f). Pub. L. 97-113 redesignated subsec. (h) as (f). Former subsec. (f), relating to performance of management functions by defense attaché’s if that President determined it was the most economic and efficient means of performing those functions, was struck out.

Subsec. (g). Pub. L. 97-113 struck out subsec. (g) which provided that the entire cost of overseas management of international security assistance programs under this section be charged or reimbursed from funds made available to carry out this part, including costs reimbursed from charges for services collected from foreign governments pursuant to sections 2761(e) and 2792(b) of this title, and that the prohibition of former subsec. (a) of this section and the numerical limitations of former subssecs. (b), (c), and (d) of this section not apply to Armed Forces members performing services for specific purposes and for fixed periods of time on a fully reimbursable basis under section 2761(a) of this title. See subsec. (d) of this section.

Subsec. (h). Pub. L. 97-113 redesignated subsec. (h) as (f).

1980—Subsec. (b)(1). Pub. L. 96-533, §114(1), substituted “fiscal year 1981” for “fiscal year 1980”, substituted “Portugal, Spain, Jordan, the Philippines,” for “the countries specified in section 2312(a) of this title and in”, authorized assignment of military personnel for programs in Egypt, and deleted from the list of countries eligible for such programs Iran and Kuwait.

Subsec. (b)(3). Pub. L. 96-533, §114(2), substituted “assigned to Saudi Arabia” for “assigned to Iran, Kuwait, and Saudi Arabia”, “assigned to such country” for “assigned to such countries” and “assigned to such country exceeds” for “assigned to each such country exceeds”.

Subsec. (f). Pub. L. 96-533, §114(3), substituted “may not exceed six more than the number of defense attachés” for “may not exceed the number of defense attachés” and “December 31, 1979” for “December 31, 1978”, and inserted “such countries and countries to which military personnel have been assigned pursuant to subsection (c) of this section” after “such countries”.

1979—Subsec. (b)(1). Pub. L. 96-92, §7(1), substituted “fiscal year 1980” for “fiscal year 1979” and authorized assignment of military personnel for programs in Greece.

Subsec. (f). Pub. L. 96-92, §7(2), substituted “December 31, 1978” for “December 31, 1977”.

1978—Subsec. (b)(1). Pub. L. 95-384, §9(a), substituted “fiscal year 1979” for “fiscal year 1978” and “Turkey, Indonesia, Thailand” for “Brazil”.

Subsec. (d). Pub. L. 95-384, §9(b), substituted “, including any such members serving on a reimbursable basis pursuant to subsection (b)(3) of this section, may not exceed 790 for the fiscal year 1979” for “may not exceed 865 for the fiscal year 1978”.

Subsec. (f). Pub. L. 95-384, §9(c), substituted “December 31, 1977, except that the President may assign an aggregate total of not to exceed eight additional defense attachés to such countries in order to perform overseas management functions under this subsection” for “December 31, 1976”.

Subsec. (g). Pub. L. 95-384, §9(d), inserted “for fixed” after “for specific purposes and”.

Subsec. (h). Pub. L. 95-384, §9(e), added subsec. (h).

1977—Subsec. (a). Pub. L. 95-92 substituted provisions requiring specific Congressional authorization for a military assistance advisory group, etc., to operate in any foreign country and set forth exceptions to such requirement, for provisions authorizing deductions of expenditures from military assistance appropriations during the period beginning July 1, 1976, and ending Sept. 30, 1977, under section 2312 of this title where under this section reimbursement is requested by the expending government agency or if the available funds are deposited in the Treasury as miscellaneous receipts.

Subsec. (b). Pub. L. 95-92 substituted provisions relating to assignment of military personnel to specified countries by President for implementation of management responsibilities during fiscal year 1978 under international security assistance programs, for provisions requiring specific Congressional authority for assignment of any military assistance advisory group, etc., to operate in any foreign country after Sept. 30, 1977, and provisions relating to assignment by the President of military personnel to diplomatic missions of the United States.

Subsec. (c). Pub. L. 95-92 substituted provisions relating to assignment of military personnel to nonspecified countries by President for performance of accounting and other management functions under international security assistance programs, for provisions limiting after Sept. 30, 1976, the number of military missions and groups to not more than 34.

Subsec. (d). Pub. L. 95-92 substituted provisions setting forth maximum number of military personnel assignable under subssecs. (b) and (c) of this section for fiscal year 1978 as 865, for provisions defining “military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this chapter”.

Subsecs. (e) to (g). Pub. L. 95-92 added subssecs. (e) to (g).

1976—Subsec. (a). Pub. L. 94-329, §104(1), designated existing provisions as subsec. (a) and substituted “During the period beginning July 1, 1976, and ending September 30, 1977” for “Effective July 1, 1976”.

Subsecs. (b) to (d). Pub. L. 94-329, §104(2), added subssecs. (b) to (d).

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

## Executive Documents

### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

## § 2321j. Authority to transfer excess defense articles

### (a) Authorization

The President is authorized to transfer excess defense articles under this section to countries