

118TH CONGRESS
2D SESSION

S. _____

To amend the Foreign Assistance Act of 1961 to modify the Presidential drawdown authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Foreign Assistance Act of 1961 to modify the Presidential drawdown authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding Our
5 Stockpiles Act”.

6 **SEC. 2. MODIFICATION OF PRESIDENTIAL DRAWDOWN AU-**
7 **THORITY.**

8 Section 506(a) of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2318(a)) is amended—

1 (1) in paragraph (1), in the undesignated mat-
2 ter following subparagraph (B)—

3 (A) by striking “he may direct,” and in-
4 serting “the President may direct, subject to
5 paragraph (4),”; and

6 (B) by inserting “, except as provided in
7 paragraph (5)” after “fiscal year”; and

8 (2) by adding at the end the following new
9 paragraphs:

10 “(4)(A) The President may direct the drawdown of
11 defense articles, defense services, and military education
12 and training under paragraph (1) only during the 20-day
13 period beginning on the date on which the President re-
14 ports to Congress that an unforeseen emergency exists
15 under such paragraph.

16 “(B) The authority to deliver defense articles, defense
17 services, and military education and training pursuant to
18 a drawdown directed under paragraph (1) shall expire at
19 the end of the fiscal year in which the drawdown was di-
20 rected.

21 “(5)(A) The President may direct the drawdown of
22 defense articles, defense services, and military education
23 and training under paragraph (1) of an aggregate value
24 that would exceed \$100,000,000 in a fiscal year if—

25 “(i) the President submits to Congress—

1 “(I) a request for authorization to direct
2 such a drawdown of an aggregate value that ex-
3 ceeds \$100,000,000 for that fiscal year; and

4 “(II) a report that an unforeseen emer-
5 gency exists, in accordance with paragraph (1);

6 “(ii) after the submission of such request and
7 report, there is enacted a joint resolution or other
8 provision of law approving the authorization re-
9 quested; and

10 “(iii) Congress has authorized appropriations in
11 a specific amount sufficient to replenish the aggre-
12 gate value of the proposed drawdown.

13 “(B)(i) Each request submitted under subparagraph
14 (A)(i) may request authorization to direct a drawdown
15 under paragraph (1) for only one intended recipient coun-
16 try.

17 “(ii) A resolution or other provision of law described
18 in subparagraph (A)(ii) may approve a request for author-
19 ization to direct a drawdown under paragraph (1) for only
20 one intended recipient country.

21 “(6)(A) Any resolution described in paragraph
22 (5)(A)(ii) may be considered by Congress using the expe-
23 dited procedures set forth in this paragraph.

1 “(B) For purposes of this paragraph, the term ‘reso-
2 lution’ means only a joint resolution of the two Houses
3 of Congress—

4 “(i) the title of which is as follows: ‘A joint res-
5 olution approving the use of the special authority
6 provided by section 506(a)(1) of the Foreign Assist-
7 ance Act of 1961 in excess of the fiscal year limita-
8 tion.’;

9 “(ii) which does not have a preamble; and

10 “(iii) the sole matter after the resolving clause
11 of which is as follows: ‘The proposed use of the spe-
12 cial authority provided by section 506(a)(1) of the
13 Foreign Assistance Act of 1961 in excess of the fis-
14 cal year limitation, to respond to the unforeseen
15 emergency in _____ , which was
16 received by Congress on _____
17 (Transmittal number), is authorized’, with the name
18 of the intended recipient country and transmittal
19 number inserted.

20 “(C) A resolution described in subparagraph (B) that
21 is introduced in the Senate shall be referred to the Com-
22 mittee on Foreign Relations of the Senate. A resolution
23 described in subparagraph (B) that is introduced in the
24 House of Representatives shall be referred to the Com-
25 mittee on Foreign Affairs of the House of Representatives.

1 “(D) If the committee to which a resolution described
2 subparagraph (B) is referred has not reported such resolu-
3 tion (or an identical resolution) by the end of 10 calendar
4 days beginning on the date of introduction, such com-
5 mittee shall be, at the end of such period, discharged from
6 further consideration of such resolution, and such resolu-
7 tion shall be placed on the appropriate calendar of the
8 House involved.

9 “(E)(i) On or after the third calendar day after the
10 date on which the committee to which such a resolution
11 is referred has reported, or has been discharged (under
12 subparagraph (D)) from further consideration of, such a
13 resolution, it is in order for any Member of the respective
14 House to move to proceed to the consideration of the reso-
15 lution. All points of order against the resolution (and
16 against consideration of the resolution) are waived. The
17 motion is highly privileged in the House of Representatives
18 and is privileged in the Senate and is not debatable. The
19 motion is not subject to amendment, or to a motion to
20 postpone, or to a motion to proceed to the consideration
21 of other business. A motion to reconsider the vote by
22 which the motion is agreed to or disagreed to shall not
23 be in order. If a motion to proceed to the consideration
24 of the resolution is agreed to, the respective House shall
25 immediately proceed to consideration of the joint resolu-

1 tion without intervening motion, order, or other business,
2 and the resolution shall remain the unfinished business of
3 the respective House until disposed of.

4 “(ii) Debate on the resolution, and on all debatable
5 motions and appeals in connection therewith, shall be lim-
6 ited to not more than 10 hours, which shall be divided
7 equally between those favoring and those opposing the res-
8 olution. An amendment to the resolution is not in order.
9 A motion further to limit debate is in order and not debat-
10 able. A motion to postpone, or a motion to proceed to the
11 consideration of other business, or a motion to recommit
12 the resolution is not in order. A motion to reconsider the
13 vote by which the resolution is agreed to or disagreed to
14 is not in order.

15 “(iii) Immediately following the conclusion of the de-
16 bate on the resolution and a single quorum call at the con-
17 clusion of the debate if requested in accordance with the
18 rules of the appropriate House, the vote on final passage
19 of the resolution shall occur.

20 “(iv) Appeals from the decisions of the Chair relating
21 to the application of the rules of the Senate or the House
22 of Representatives, as the case may be, to the procedure
23 relating to a resolution shall be decided without debate.

24 “(F)(i) If, before passage by one House of a resolu-
25 tion of that House described in subparagraph (B), that

1 House receives from the other House a resolution de-
2 scribed in subparagraph (B), then the following proce-
3 dures shall apply:

4 “(I) The resolution of the other House shall not
5 be referred to a committee.

6 “(II) The consideration as described in sub-
7 paragraph (E) in that House shall be the same as
8 if no resolution had been received from the other
9 House, but the vote on final passage shall be on the
10 resolution of the other House.

11 “(ii) Upon disposition of the resolution received from
12 the other House, it shall no longer be in order to consider
13 the resolution that originated in the receiving House.

14 “(G) This paragraph is enacted by Congress—

15 “(i) as an exercise of the rulemaking power of
16 the Senate and the House of Representatives, re-
17 spectively, and as such it is deemed a part of the
18 rules of each House, respectively, but applicable only
19 with respect to the procedure to be followed in that
20 House in the case of a resolution described in sub-
21 paragraph (B), and it supersedes other rules only to
22 the extent that it is inconsistent with such rules; and

23 “(ii) with full recognition of the constitutional
24 right of either House to change the rules (so far as
25 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 “(7) In this subsection, the term ‘unforeseen emer-
4 gency’ means a direct kinetic attack—

5 “(A) on a bilateral or multilateral treaty ally of
6 the United States, undetected or reasonably unfore-
7 seen by United States intelligence assessments, by
8 an adversary of the United States; and

9 “(B) that poses a direct or imminent threat to
10 United States security interests, as outlined in the
11 most recent national defense strategy of the United
12 States.”.