SEC. 1203. REPEAL OF REQUIREMENT FOR ADVANCE NOTIFICATION TO CONGRESS OF TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.

Section 516(f)(1) of the Foreign Assistance Act (22 U.S.C. 2321j(f)(1)) is amended by striking "excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or".

Section-by-Section Analysis

Current law requires the President to provide a 30-day advance notification to Congress of all proposed transfers of excess defense articles (EDA) that are either in excess of $7 million in terms of original acquisition value or Significant Military Equipment (SME), regardless of dollar value. This responsibility has been delegated to the Secretary of Defense. Roughly 30 percent of grant EDA notifications fall under the $7 million threshold and are based on inclusion of a least one item designated as SME. These cases usually involve SME consisting of excess vehicles and radios. Reducing the number of smaller notifications by dropping the SME requirement would decrease Department of Defense (DoD) man-hours and still ensure that Congress maintains oversight over significant transfers (grants or sales) of excess defense articles when SME in excess of $7 million is transferred.

This proposal would amend section 516(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(1)) to strike the notification requirement for SME, thus providing that EDA grants and sales will be notified solely on the basis of total original acquisition value for transfers that are in excess of the current $7 million notification threshold.

Budget Implications: The elimination of the existing statutory requirement to notify Congress of all Significant Military Equipment that is proposed for transfer as Excess Defense Articles would not have any budgetary impact on the Department.

Changes to Existing Law: This proposal would amend section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) ***

* * * * * * *

(f) ADVANCE NOTIFICATION TO CONGRESS FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.—

(1) IN GENERAL.—The President may not transfer ~~excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control~~

~~Act) or~~ excess defense articles valued (in terms of original acquisition cost) at $7,000,000 or more, under this section or under the Arms Export Control Act (22 U.S.C. 2751 et seq.) until 30 days after the date on which the President has provided notice of the proposed transfer to the congressional committees specified in section 634A(a) in accordance with procedures applicable to reprogramming notifications under that section.

(2)***

* * * * * * *