

AMENDMENT TO RULES COMM. PRINT 119-8
OFFERED BY MRS. BIGGS OF SOUTH CAROLINA

At the end of subtitle A of title XVII, add the following:

1 **SEC. 17____. MADE-IN-AMERICA DEFENSE ARTICLES AND**
2 **SERVICES EXPEDITED THROUGH DIRECT**
3 **COMMERCIAL SALES.**

4 (a) SENSE OF CONGRESS.—Congress—

5 (1) believes the expeditious delivery of defense
6 articles and services to allies and partners strength-
7 ens American national security;

8 (2) notes that the Department of Defense con-
9 tracting process often adds significant amounts of
10 time to the delivery of defense articles and services
11 to allies and partners, and in some cases these arti-
12 cles and services could be appropriately transferred
13 more quickly using direct commercial sales; and

14 (3) supports the ongoing and periodic review of
15 the FMS-Only List to ensure that defense articles
16 and services that can be appropriately transferred
17 using direct commercial sales are not included on
18 the FMS-Only list.

19 (b) REVIEW AND REPORT.—

1 (1) REVIEW.—

2 (A) IN GENERAL.—Not later than 1 year
3 after the date of the enactment of this Act, and
4 annually thereafter, the Secretary of State, in
5 coordination with the Secretary of Defense,
6 shall carry out a review of defense articles and
7 defense services that are eligible to be provided
8 under the foreign military sales program under
9 chapter 2 of the Arms Export Control Act, but
10 not eligible to be provided under direct commer-
11 cial sales under section 38 of such Act, in order
12 to identify those articles and services that
13 should also be eligible to be provided under di-
14 rect commercial sales.

15 (B) MATTERS TO BE ADDRESSED.—The
16 review required by this subsection shall address
17 the following with respect to each defense arti-
18 cle and defense services identified under this
19 subsection:

20 (i) The average length of time to com-
21 plete a transfer of the article or service
22 under the foreign military sales program
23 compared to such a transfer under a direct
24 commercial sale, measured from the initial

1 submission of the letter of request to the
2 delivery of the article or service.

3 (ii) The impact on the workload for
4 the Department of State and Department
5 of Defense by reason of a transfer of the
6 article or service under a direct commercial
7 sale.

8 (iii) The benefits to United States na-
9 tional security and United States competi-
10 tiveness by reason of a transfer of the arti-
11 cle or service under a direct commercial
12 sale.

13 (2) REPORT.—

14 (A) IN GENERAL.—Not later than 30 days
15 after the completion of each review required by
16 subsection (a), the Secretary of State, in coordi-
17 nation of the Secretary of Defense, shall submit
18 to the appropriate congressional committees a
19 report that contains the results of the review,
20 including—

21 (i) the average time to transfer the re-
22 viewed defense articles or services during
23 the previous reporting period through the
24 foreign military sales program and through
25 direct commercial sales and how those

1 averages compare to the averages reported
2 in the previous reporting period;

3 (ii) the leading causes of delays;

4 (iii) any steps taken to reduce those
5 delays; and

6 (iv) any defense articles and services
7 added to or removed from the FMS-Only
8 list during the preceding reporting period,
9 as well as the justification for such deci-
10 sions.

11 (B) FORM.—The report required by this
12 subsection shall be submitted in unclassified
13 form, but may contain a classified annex.

14 (C) DEFINITIONS.—In this subsection—

15 (i) the term “appropriate congres-
16 sional committees” means—

17 (I) the Committee on Foreign Af-
18 fairs and the Committee on Armed
19 Services of the House of Representa-
20 tives; and

21 (II) the Committee on Foreign
22 Relations and the Committee on
23 Armed Services of the Senate; and

24 (ii) the term “FMS-only list” means
25 the list maintained by the Secretary of

1 State of defense articles and defense serv-
2 ices that are eligible to be provided under
3 the foreign military sales program under
4 chapter 2 of the Arms Export Control Act,
5 but not eligible to be provided under direct
6 commercial sales under section 38 of such
7 Act.

