AMENDMENT TO RULES COMM. PRINT 116–19
OFFERED BY MR. ENGEL OF NEW YORK

At the end of subtitle G of title XII, add the following:

SEC. 36. RESTRICTION ON EMERGENCY AUTHORITY RELATING TO ARMS SALES UNDER THE ARMS EXPORT CONTROL ACT.

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

“(j) Restriction on Emergency Authority Relating to Arms Sales Under This Act.—A determination of the President that an emergency exists which requires a proposed transfer of defense articles or defense services to be in the national security interest of the United States, thus waiving the congressional review requirements pursuant to section 3(d)(2) or subsection (b)(1), (c)(2), or (d)(2) of this section—

“(1) shall apply only if—

“(A) the President—

“(i) consults with the Committee on Foreign Affairs of the House of Represent-
tions of the Senate regarding the determination that an emergency exists not later than three days after the date on which the President issues the determination; and

“(ii) includes in the certification to be submitted to Congress with respect to the emergency—

“(I) a determination and justification for each individual letter of offer, license, or approval for the defense articles or defense services; and

“(II) a specific and detailed description of how such waiver of the congressional review requirements directly responds to or addresses the circumstances of the emergency;

“(B) the delivery of the defense articles or defense services will take place not later than 90 days after the date on which the President issues the determination; and

“(C) the President submits the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the defense articles
or defense services that were delivered, including the type of defense articles or defense services, not later than 30 days after the date of delivery; and

“(2) shall not apply in the case of a license or other authorization that includes manufacturing or co-production of the articles or services outside the United States if such manufacturing or co-production has not been previously licensed or authorized.”.