

118TH CONGRESS
1ST SESSION

H. R. 6609

To amend the Arms Export Control Act to increase the dollar amount thresholds under sections 3 and 36 of that Act relating to proposed transfers or sales of defense articles or services under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2023

Mr. WALTZ introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Arms Export Control Act to increase the dollar amount thresholds under sections 3 and 36 of that Act relating to proposed transfers or sales of defense articles or services under that Act, 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 “Foreign Military Sales
5 Technical, Industrial, and Governmental Engagement for
6 Readiness Act” or the “TIGER Act”.

1 **SEC. 2. INCREASE IN DOLLAR AMOUNT THRESHOLDS**
2 **UNDER SECTIONS 3 AND 36 OF THE ARMS EX-**
3 **PORT CONTROL ACT RELATING TO PRO-**
4 **POSED TRANSFERS OR SALES OF DEFENSE**
5 **ARTICLES OR SERVICES UNDER THAT ACT.**

6 The Arms Export Control Act is amended—

7 (1) in section 3(d) (22 U.S.C. 2753(d))—

8 (A) in paragraph (1)—

9 (i) by striking “\$14,000,000” and in-
10 serting “\$23,000,000”; and

11 (ii) by striking “\$50,000,0000” and
12 inserting “\$83,0000,000”; and

13 (B) in paragraph (3)(A)—

14 (i) by striking “\$14,000,000” and in-
15 serting “\$23,000,000”; and

16 (ii) by striking “\$50,000,0000” and
17 inserting “\$83,0000,000”;

18 (2) in section 36(b) (22 U.S.C. 2776(b))—

19 (A) in paragraph (1)—

20 (i) by striking “\$50,000,0000” and
21 inserting “\$83,0000,000”;

22 (ii) by striking “\$200,000,000” and
23 inserting “\$332,000,000”; and

24 (iii) by striking “\$14,000,000” and
25 inserting “\$23,000,000”;

26 (B) in paragraph (5)(C)—

1 (i) by striking “\$14,000,000” and in-
2 serting “\$23,000,000”;

3 (ii) by striking “\$50,000,0000” and
4 inserting “\$83,0000,000”; and

5 (iii) by striking “\$200,000,000” and
6 inserting “\$332,000,000”; and

7 (C) in paragraph (6)—

8 (i) in subparagraph (A), by striking
9 “\$25,000,000” and inserting
10 “\$42,000,000”;

11 (ii) in subparagraph (B), by striking
12 “\$100,000,0000” and inserting
13 “\$166,000,000”; and

14 (iii) in subparagraph (C), by striking
15 “\$300,000,000” and inserting
16 “\$500,000,000”; and

17 (3) in section 36(c) (22 U.S.C. 2776(c))—

18 (A) in paragraph (1)—

19 (i) by striking “\$14,000,000” and in-
20 serting “\$23,000,000”; and

21 (ii) by striking “\$50,000,0000” and
22 inserting “\$83,0000,000”; and

23 (B) in paragraph (5)—

1 (i) in subparagraph (A), by striking
2 “\$25,000,000” and inserting
3 “\$42,000,000”; and
4 (ii) in subparagraph (B), by striking
5 “\$100,000,000” and inserting
6 “\$166,000,000”.

7 **SEC. 3. ENHANCED REVIEW REQUIREMENTS OF CERTAIN**
8 **PROPOSED TRANSFERS OR SALES.**

9 Section 36 of the Arms Export Control Act (22
10 U.S.C. 2776) is amended by adding at the end the fol-
11 lowing:

12 “(j) ENHANCED REVIEW REQUIREMENTS OF CER-
13 TAIN PROPOSED TRANSFERS OR SALES.—

14 “(1) IN GENERAL.—In the case of a proposed
15 transfer or sale of defense articles or services under
16 this Act that exceeds the amount that is not less
17 than three times the applicable dollar amount
18 threshold specified in section 3(d) or subsection (b)
19 or (c) of this section, the Secretary of State shall—

20 “(A) consult with the Secretary of Defense
21 and the heads of other Federal agencies as ap-
22 propriate, to—

23 “(i) review such proposed transfer or
24 sale; and

1 “(ii) submit to Congress a report on
2 the progress of the transfer or sale, and
3 such report may submitted in classified
4 form; and

5 “(B) certify to Congress that the antici-
6 pated delivery time of defense articles or serv-
7 ices under such proposed transfer or sale meets
8 United States foreign policy interests, or if the
9 Secretary is unable to make such certification,
10 the reasons therefor.

11 “(2) USE OF DRAWDOWN AUTHORITY AND SPE-
12 CIAL AUTHORITIES.—

13 “(A) IN GENERAL.—The Secretary of
14 State shall, in the case of a proposed transfer
15 or sale of defense articles or services under this
16 Act described in paragraph (1) that have not
17 been delivered to the recipient by the date that
18 is 3 years after the date on which notification
19 of the transfer or sale was provided to Con-
20 gress, use the authorities of section 506(a)(1)
21 or 614(a)(1) of the Foreign Assistance Act of
22 1961 (22 U.S.C. 2318(a)(1) or 2364(a)(1)) to
23 complete the transfer or sale.

24 “(B) WAIVER.—The Secretary of State
25 may waive the requirement of subparagraph (A)

1 to use the authorities described in such sub-
2 paragraph with respect to a transfer or sale of
3 defense articles or services if the Secretary sub-
4 mits to Congress a report describing the rea-
5 sons for the waiver.”.

6 **SEC. 4. SPECIAL DEFENSE ACQUISITION FUND.**

7 Section 51 of the Arms Export Control Act (22
8 U.S.C. 2795), is amended—

9 (1) in subsection (a)(1), by striking the second
10 sentence; and

11 (2) by adding at the end the following:

12 “(d) TRANSFER OF AMOUNTS AUTHORIZED.—

13 “(1) IN GENERAL.—The Secretary of Defense
14 is authorized to transfer, from amounts authorized
15 to be appropriated by this and other Acts for the
16 Department of Defense, to the Secretary of State
17 amounts to be available to carry out the functions
18 of the Fund.

19 “(2) NOTICE REQUIREMENT.—The Secretary of
20 Defense shall notify the congressional defense com-
21 mittees (as such term is defined in section 101 of
22 title 10, United States Code) of a proposed transfer
23 of amounts under paragraph (1) not less than 15
24 days prior to making such transfer.

1 “(3) INAPPLICABILITY OF REPROGRAMMING RE-
2 QUIREMENT.—The authority to transfer amounts
3 under paragraph (1) shall not be subject to any re-
4 programming requirement under any other provision
5 of law.”.

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