

117TH CONGRESS
2D SESSION

S. 4805

To provide for emergency acquisition authority in the event of armed attack against a United States ally or partner by a foreign adversary of the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2022

Mr. CORNYN (for himself, Mrs. SHAHEEN, Mr. TILLIS, Mr. DURBIN, Mr. WICKER, Mr. KING, Mr. RUBIO, Mr. BLUMENTHAL, Mrs. BLACKBURN, Ms. HASSAN, Mr. SCOTT of Florida, Mr. PETERS, Mr. SULLIVAN, Mr. GRAHAM, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide for emergency acquisition authority in the event of armed attack against a United States ally or partner by a foreign adversary of the United States.

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 “Securing American Ac-
5 quisitions, Readiness, and Military Stockpiles Act of
6 2022” or the “Securing American ARMS Act of 2022”.

1 **SEC. 2. EMERGENCY ACQUISITION AUTHORITY.**

2 Section 3204 of title 10, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (6), by striking “; or”
6 and inserting a semicolon;

7 (B) in paragraph (7), by striking the pe-
8 riod at the end and inserting “; or”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(8) the head of the agency—

12 “(A) determines that the use of procedures
13 other than competitive procedures is necessary
14 to—

15 “(i) replenish United States stockpiles
16 with like defense articles when those stock-
17 piles are diminished as a result of the
18 United States providing defense articles in
19 response to an armed attack, by a foreign
20 adversary of the United States (as that
21 term is defined in section 8(c) of the Se-
22 cure and Trusted Communications Net-
23 works Act of 2019 (47 U.S.C. 1607(c)))
24 against—

25 “(I) a United States ally (as that
26 term is defined in section 201(d) of

1 the Act of December 2, 1942, entitled,
2 ‘To provide benefits for the injury,
3 disability, death, or enemy detention
4 of employees of contractors with the
5 United States, and for other purposes’
6 (56 Stat. 1028, chapter 668; 42
7 U.S.C. 1711(d)); or

8 “(II) a United States partner; or
9 “(ii) to contract for the movement or
10 delivery of defense articles transferred to
11 such ally or partner through the Presi-
12 dent’s drawdown authorities in connection
13 with such response;

14 provided that the United States is not a party
15 to the hostilities; and

16 “(B) submits to the congressional defense
17 committees written notification of the use of
18 such procedures within one week after such
19 use.”; and

20 (2) in subsection (e)(1), by striking “and (7)”
21 and inserting “(7), and (8)”.

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