

117TH CONGRESS
2D SESSION

S. 4947

To establish the Defense Exportability Transfer Account.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2022

Mrs. SHAHEEN (for herself, Mrs. FISCHER, Mr. BLUMENTHAL, Mr. CORNYN, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish the Defense Exportability Transfer Account.

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 “Defense Export Pro-
5 motion Of Relevant Technology and Supplies Act” or the
6 “Defense EXPORTS Act”.

7 **SEC. 2. DEFENSE EXPORTABILITY TRANSFER ACCOUNT**

8 **(DETA).**

9 (a) **ESTABLISHMENT.**—There is established in the
10 Department of Defense an account to be known as the

1 “Defense Exportability Transfer Account” (in this section
2 referred to as the “Account”).

3 (b) AMOUNTS IN ACCOUNT.—The Account shall con-
4 sist of—

5 (1) amounts appropriated to the Account;

6 (2) amounts transferred to the Account under
7 subsection (d); and

8 (3) amounts credited to the Account under sub-
9 section (e).

10 (c) USE OF FUNDS.—

11 (1) IN GENERAL.—Funds in the Account shall
12 be available to develop program protection strategies
13 for Department of Defense systems identified for
14 possible future export, to design and incorporate
15 exportability features into such systems during the
16 research and development phases of such systems,
17 and to integrate design features that enhance inter-
18 operability of such systems with those of friendly
19 foreign countries.

20 (2) AMOUNTS IN ADDITION.—Amounts in the
21 Account are in addition to any other funds available
22 to the Department of Defense for the purposes spec-
23 ified in paragraph (1).

24 (d) TRANSFERS.—

1 (1) TRANSFERS FROM ACCOUNT.—The Sec-
2 retary of Defense may transfer funds from the Ac-
3 count to appropriations of the Department of De-
4 fense available for research, development, test, and
5 evaluation in such amounts as the Secretary deter-
6 mines necessary to carry out the purposes of this
7 section. Funds so transferred shall be available for
8 the same time period and the same purposes as the
9 appropriation to which transferred.

10 (2) TRANSFERS TO ACCOUNT.—The Secretary
11 may transfer funds from appropriations of the De-
12 partment of Defense available for research, develop-
13 ment, test, and evaluation to the Account in such
14 amounts as the Secretary determines necessary to
15 carry out the purposes of this section. Funds so
16 transferred shall be available for the same time pe-
17 riod and the same purposes as the appropriation to
18 which transferred.

19 (3) NOTICE AND WAIT.—Funds may not be
20 transferred under paragraph (1) or (2) until the ex-
21 piration of 15 days after the date on which the Sec-
22 retary notifies the congressional defense committees
23 in writing of the amount and purpose of the pro-
24 posed transfer.

1 (4) OTHER AUTHORITIES.—The authority to
2 transfer funds under this subsection is in addition to
3 any other transfer authority available to the Depart-
4 ment of Defense.

5 (e) COSTS.—Costs incurred by the Department of
6 Defense for designing and incorporating exportability fea-
7 tures into Department of Defense systems shall be treated
8 as nonrecurring costs under section 21(e)(1) of the Arms
9 Export Control Act (22 U.S.C. 2761(e)(1)). Amounts col-
10 lected as recoupments by the Department of Defense on
11 foreign military sales, direct commercial sales, and sales
12 of items developed under international cooperative projects
13 that incorporate such exportability features shall be cred-
14 ited to the Account and shall remain available until ex-
15 pended to carry out the purposes of the Account.

16 (f) ANNUAL REPORT.—No later than January 1,
17 2025, and annually thereafter, the Secretary of Defense
18 shall submit to the congressional defense committees a re-
19 port detailing the utilization of this fund, including—

20 (1) the balance of the Fund, including inlays
21 and outlays;

22 (2) a list of systems receiving funds under this
23 section;

1 (3) the projected and actual cost and schedule
2 savings for each system receiving funds under this
3 section; and

4 (4) any other matters the Secretary determines
5 appropriate.

6 (g) GOVERNMENT ACCOUNTABILITY OFFICE RE-
7 VIEW.—Not later than five years after the date of the en-
8 actment of this Act, the Comptroller General of the United
9 States shall conduct an assessment of the efficacy of this
10 section, including—

11 (1) an emphasis on cost and schedule savings
12 realized by the Federal Government pertaining to
13 the delivery of articles that receive funding under
14 this section; and

15 (2) any other matters the Comptroller General
16 deems appropriate.

17 (h) APPROPRIATIONS.—There is hereby appropriated
18 to the Account \$50,000,000, to remain available until ex-
19 pended: *Provided*, That such amount is designated by
20 Congress as being for an emergency requirement pursuant
21 to section 4001(a)(1) and section 4001(b) of S. Con. Res.
22 14 (117th Congress), the concurrent resolution on the
23 budget for fiscal year 2022.

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