SEC. 1206. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2012), as most recently amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4356), is amended by striking "September 30, 2011" and inserting "September 30, 2014".

Section-by-Section Analysis

This proposal would amend section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), as amended, providing a three year extension of authority to the Secretary of Defense to use acquisition and cross-servicing agreements (ACSAs) to loan certain equipment to coalition partners for the purpose of enhancing personnel protection and aiding in personnel survivability in coalition operations, in certain peacekeeping operations, and in connection with training for deployment to such operations.

Budget Implications: The proposal has no budgetary impact as it addresses the expansion of current authorities for the loan of equipment for coalition partners.

Changes to Existing Law: This proposal would make the following change to section 1202 of Public Law 109-364, as amended:

SEC. 1202. TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND CERTAIN MILITARY EQUIPMENT TO CERTAIN FOREIGN FORCES FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—

(1) IN GENERAL.--Subject to paragraphs (2), (3), and (4), the Secretary of Defense may treat covered military equipment as logistic support, supplies, and services under subchapter I of chapter 138 of title 10, United States Code, for the purpose of providing for the use of such equipment by military forces of a nation participating in combined operations with the United States in Iraq or Afghanistan or participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement.

(2) REQUIRED DETERMINATIONS.--Equipment may be provided to the military forces of a nation under the authority of this section only upon—

(A) a determination by the Secretary of Defense that the United States forces in the combined operation have no unfilled requirements for that equipment; and

(B) a determination by the Secretary of Defense, with the concurrence of the Secretary of State, that it is in the national security interest of the United States to provide for the use of such equipment by the military forces of that nation under this section.

(3) LIMITATION ON USE OF EQUIPMENT.--Equipment provided to the military forces of a nation under the authority of this section may be used by those forces only for personnel protection or to aid in the personnel survivability of those forces and only—

(A) in Iraq or Afghanistan;

(B) in a peacekeeping operation described in paragraph (1); or

(C) in connection with the training of those forces to be deployed to Iraq, Afghanistan, or a peacekeeping operation described in paragraph (1) for such deployment.

(4) LIMITATION ON DURATION OF PROVISION OF EQUIPMENT.-- Equipment provided to the military forces of a nation under the authority of this section may be used by the military forces of that nation for not longer than one year.

(5) NOTICE AND WAIT ON PROVISION OF EQUIPMENT FOR CERTAIN PURPOSES.— Equipment may not be provided under paragraph (1) in connection with training as specified in paragraph (3)(C) until 15 days after the date on which the Secretary of Defense submits to the specified congressional committees written notice on the provision of such equipment for such purpose.

(b) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—

(1) USE OF AUTHORITY DURING FIRST SIX MONTHS OF FISCAL YEAR.--If the authority provided in subsection (a) is exercised during the first six months of a fiscal year, the Secretary of Defense shall submit to the specified congressional committees a report on that exercise of such authority not later than the following April 30.

(2) USE OF AUTHORITY DURING SECOND SIX MONTHS OF FISCAL YEAR.--If the authority provided in subsection (a) is exercised during the second six months of a fiscal year, the Secretary of Defense shall submit to the specified congressional committees a report on that exercise of such authority not later than the following October 30.

(3) CONTENT.--Each report under paragraph (1) or (2) shall include, with respect to each exercise of the authority provided in subsection (a) during the period covered by the report, the following:

(A) A description of the basis for the determination of the Secretary of Defense that it is in the national security interests of the United States to provide for the use of covered military equipment in the manner authorized in subsection (a).

(B) Identification of each foreign force that receives such equipment.

(C) A description of the type, quantity, and value of the equipment provided to each foreign force that receives such equipment.

(D) A description of the terms and duration of the provision of the equipment to each foreign force that receives such equipment.

(E) With respect to equipment provided to each foreign force that is not returned to the United States, a description of the terms of disposition of the equipment to the foreign force.

(F) The percentage of equipment provided to foreign forces under the authority of this section that is not returned to the United States.

(4) COORDINATION.--Each report under paragraph (1) or (2) shall be prepared in coordination with the Secretary of State.

(c) LIMITATIONS ON PROVISION OF MILITARY EQUIPMENT.--The provision of military equipment under this section is subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and of any other export control process under laws relating to the transfer of military equipment and technology to foreign nations.

(d) DEFINITIONS.--In this section:

(1) The term "covered military equipment" means items designated as significant military equipment in categories I, II, III, VII, XI, and XIII of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(2) The term "specified congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

(e) EXPIRATION.--The authority to provide military equipment to the military forces of a foreign nation under this section expires on September 30, ~~2011~~ 2014.