

Presidential Drawdown Authority and Ukraine Security Assistance: Issues for Congress

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Presidential drawdown authority (PDA) refers to the authority of the President to direct the immediate *drawdown* (i.e., transfer from U.S. stocks) of defense articles and services in response to an “unforeseen emergency” pursuant to Section 506 of the Foreign Assistance Act of 1961 (codified at [22 U.S.C. §2318](#)).

The President may use PDA to provide security assistance to foreign governments or international organizations, up to an aggregate annual value of \$100 million unless otherwise provided for by Congress (different caps apply for Taiwan and certain other purposes; see [22 U.S.C. §2318\(a\)\(2\)](#) and [§2318\(a\)\(3\)](#)). In addition, [22 U.S.C. §2318\(b\)](#) and [22 U.S.C. §2411](#) require the President to provide Congress with “prior notification” as well as reports on the assistance furnished.

Because PDA uses existing resources and does not require new appropriations, successive Administrations have seen the authority as a useful foreign policy tool, employing it to transfer approximately [\\$3 billion](#) in aid to [80 foreign recipients](#) between September 1961 and July 2021. More recently, PDA has played a central role in the U.S. response to Russian aggression toward Ukraine: since August 2021, the Biden Administration has used the authority to provide Ukraine with [\\$31.7 billion](#) in emergency security assistance.

Role in Ukraine Security Assistance

Together with the Ukraine Security Assistance Initiative (USAI), PDA is one of the two primary mechanisms by which the U.S. government has provided security assistance to Ukraine following Russia’s 2022 full-scale invasion (see CRS In Focus IF12040, *U.S. Security Assistance to Ukraine*). PDA transfers have been important to Ukraine’s war effort, allowing it to replace losses, reconstitute forces, and equip new units (see CRS In Focus IF12150, *Ukrainian Military Performance and Outlook*).

Because PDA uses equipment already on hand, it may allow for [faster delivery](#) of capabilities to Ukraine than USAI (which involves the procurement of new items), although the pace depends on availability in U.S. stocks. Department of Defense (DOD) officials have [suggested](#) that inventory shortfalls are creating

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challenges for PDA, and some reporting [indicates](#) equipment on contract but not yet delivered to DOD may be included in PDA packages (potentially influencing transfer time lines).

Since August 2021, DOD has [announced at least 68 separate PDA transfers](#) to Ukraine, encompassing a [wide variety](#) of weapons, munitions, and other defense equipment. To enable this usage, Congress has increased PDA's annual value cap from \$100 million to \$11 billion for FY2022, \$14.5 billion for FY2023, and \$7.8 billion for FY2024 (the cap for FY2025 has not been raised as of this writing). Once the President directs a transfer, DOD's [interpretation](#) is that implementation may extend into additional fiscal years.

Issues for Congress

Overseeing Executive Branch Use

Some policymakers have contended that the Biden Administration is using PDA too slowly or at insufficient levels to meet Ukraine's military needs (for example, several [Members criticized](#) the Administration for deferring most FY2024 PDA use for Ukraine until the last week of the fiscal year). Others have [claimed](#) that the Administration is using Ukraine-related PDA too extensively, undermining both DOD's own readiness and its ability to support other partners like Taiwan. Still other stakeholders have [argued](#) that the Administration's use of PDA risks escalating the Russia-Ukraine conflict. Congress may consider whether Ukraine-related executive branch use of PDA aligns with its priorities, and whether current notification requirements are sufficient for oversight.

Replenishing U.S. Stocks

Because using PDA entails sending weapons directly from U.S. stocks, DOD has sought to mitigate readiness impacts of extensive PDA to Ukraine by procuring replacement items. As of October 2024, Congress has appropriated a total of \$45.8 billion for this purpose, of which DOD has [obligated](#) \$25.1 billion (or 55%). In April 2024, the Government Accountability Office (GAO) [identified](#) several challenges with PDA replacement, including "long lead times," "obsolescent parts," and "supplier limitations."

Congress may consider whether the current PDA replacement rate suffices to maintain readiness at an acceptable level, and whether to appropriate additional funds.

Modifying PDA Authorities

Valuing Transfers

Section 506(a)(1) does not specify how to assess "aggregate value," making multiple approaches possible. These include a *net book value* method (based on an item's purchase price and expected useful life), a *fair value* method (based on the procurement cost of an item in similar condition), or a *replacement cost* method (based on the procurement cost of a new version of the item). Partly as a result of this ambiguity, DOD [overvalued](#) FY2022 and FY2023 PDA transfers by approximately \$8.3 billion. In July 2024, GAO [recommended](#) that Congress "consider clarifying the definition of 'value' as it relates to defense articles provided under PDA."

Congress may consider whether to define "aggregate value" for the purposes of PDA. If it decides to do so, it may consider which definition is most appropriate, given congressional priorities—for instance, a definition based on net book value might produce a more accurate picture of government expenditures,

while one based on replacement cost might provide greater insight into how much it will cost to backfill transferred items.

The FY2025 PDA Cap

As of this writing, the total value of PDA transfers directed in FY2025 may not exceed \$100 million. Congress may consider whether to raise, maintain, or lower this cap.

Other Changes

Some policymakers have proposed other statutory changes relating to PDA. In September 2024, Senator Mike Lee [introduced](#) a bill (S. 5211) that would amend Section 506 by defining “unforeseen emergency,” conditioning the use of PDA on stockpile replenishment plans and appropriations, and limiting the delivery of items to the fiscal year in which the transfer was directed. In October 2024, Representative Tim Burchett [introduced](#) a similar bill in the House (H.R. 9955). Congress may consider whether to enact these or other proposals to amend Section 506.

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