

113TH CONGRESS
1ST SESSION

S. 1683

To provide for the transfer of naval vessels to certain foreign recipients,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 12, 2013

Mr. MENENDEZ (for himself and Mr. CORKER) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for the transfer of naval vessels to certain foreign
recipients, 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. APPROPRIATE CONGRESSIONAL COMMITTEES**

4 **DEFINED.**

5 In this Act, the term “appropriate congressional com-
6 mittees” means—

7 (1) the Committee on Foreign Relations of the
8 Senate; and

9 (2) the Committee on Foreign Affairs of the
10 House of Representatives.

1 **TITLE I—TRANSFER OF EXCESS**
2 **UNITED STATES NAVAL VESSELS**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Naval Vessel Transfer
5 Act of 2013”.

6 **SEC. 102. TRANSFER OF NAVAL VESSELS TO CERTAIN FOR-**
7 **EIGN RECIPIENTS.**

8 (a) TRANSFERS BY GRANT.—

9 (1) AUTHORITY.—The President is authorized
10 to transfer vessels to foreign countries on a grant
11 basis under section 516 of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2321j), subject to paragraph
13 (2), as follows:

14 (A) MEXICO.—To the Government of Mex-
15 ico, the OLIVER HAZARD PERRY class guid-
16 ed missile frigates USS CURTS (FFG–38) and
17 USS MCCLUSKY (FFG–41).

18 (B) THAILAND.—To the Government of
19 Thailand, the OLIVER HAZARD PERRY
20 class guided missile frigates USS RENTZ
21 (FFG–46) and USS VANDEGRIFT (FFG–
22 48).

23 (b) TRANSFER BY SALE TO THE TAIPEI ECONOMIC
24 AND CULTURAL REPRESENTATIVE OFFICE IN THE
25 UNITED STATES.—The President is authorized to transfer

1 the OLIVER HAZARD PERRY class guided missile frig-
2 ates USS TAYLOR (FFG-50), USS GARY (FFG-51),
3 USS CARR (FFG-52), and USS ELROD (FFG-55) to
4 the Taipei Economic and Cultural Representative Office
5 in the United States (which is the Taiwan instrumentality
6 designated pursuant to section 10(a) of the Taiwan Rela-
7 tions Act (22 U.S.C. 3309(a))) on a sale basis under sec-
8 tion 21 of the Arms Export Control Act (22 U.S.C. 2761).

9 (c) TRANSFER TO PAKISTAN BY GRANT UPON CER-
10 TIFICATIONS.—

11 (1) AUTHORITY.—The President is authorized
12 in each of fiscal years 2014 through 2016 to trans-
13 fer to the Government of Pakistan one of the OLI-
14 VER HAZARD PERRY class guided missile frig-
15 ates USS KLAKRING (FFG-42), USS DE WERT
16 (FFG-45), and USS ROBERT G. BRADLEY
17 (FFG-49) on a grant basis under section 516 of the
18 Foreign Assistance Act (22 U.S.C. 2321j), 15 days
19 after certifying to the appropriate congressional
20 committees that the Government of Pakistan is—

21 (A) cooperating with the United States
22 Government in counterterrorism efforts against
23 the Haqqani Network, the Quetta Shura
24 Taliban, Lashkar e-Tayyiba, Jaish-e-Moham-
25 med, al Qaeda, and other domestic and foreign

1 terrorist organizations, including taking con-
2 crete and measurable steps to—

3 (i) end Government of Pakistan sup-
4 port for such groups;

5 (ii) prevent such groups from basing
6 and operating in Pakistan; and

7 (iii) prevent such groups from car-
8 rying out cross-border attacks into neigh-
9 boring countries;

10 (B) not supporting terrorist activities
11 against United States or coalition forces or
12 United States citizens in Afghanistan or else-
13 where, or any organizations planning, con-
14 ducting, or advocating such activities;

15 (C) taking concrete and measurable steps
16 to dismantle improvised explosive device (IED)
17 networks and interdict precursor chemicals used
18 in the manufacture of IEDs;

19 (D) not engaging in, and taking concrete
20 and measurable steps to prevent the prolifera-
21 tion of nuclear-related material, equipment,
22 technology, and expertise;

23 (E) issuing visas in a timely manner for
24 United States visitors engaged in counterter-

1 terrorism efforts, assistance programs, and De-
2 partment of State operations in Pakistan;

3 (F) providing humanitarian organizations
4 access to detainees, internally displaced per-
5 sons, and other Pakistani civilians affected by
6 the conflict;

7 (G) taking steps towards releasing Dr.
8 Shakil Afridi from prison and clearing him of
9 all charges; and

10 (H) ensuring that the military and intel-
11 ligence agencies of the Government of Pakistan
12 are not intervening into political and judicial
13 processes in Pakistan.

14 (2) WAIVER.—

15 (A) IN GENERAL.—The President may
16 waive the certification requirements under para-
17 graph (1) in any of fiscal years 2014 through
18 2016 if the President determines, and notifies
19 the appropriate congressional committees, that
20 it is in the national security interests of the
21 United States to waive such requirement.

22 (B) EFFECTIVE DATE OF WAIVER.—The
23 waiver shall become effective 45 days after the
24 President provides to the appropriate congres-
25 sional committees a report detailing the reasons

1 for making the determination and an analysis
2 of the degree to which the actions of the Gov-
3 ernment of Pakistan do or do not satisfy the
4 criteria in subparagraphs (A)–(H) of paragraph
5 (1).

6 (d) ALTERNATIVE TRANSFER AUTHORITY.—Not-
7 withstanding the authority provided in subsections (a),
8 (b), and (c) to transfer specific vessels to specific coun-
9 tries, the President is authorized to transfer any vessel
10 named in this title to any country named in this section,
11 subject to the same conditions that would apply for such
12 country under this section, such that the total number of
13 vessels transferred to such country does not exceed the
14 total number of vessels authorized for transfer to such
15 country by this section.

16 (e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
17 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
18 of a vessel transferred to another country on a grant basis
19 pursuant to authority provided by subsection (a) or (c)
20 shall not be counted against the aggregate value of excess
21 defense articles transferred in any fiscal year under sec-
22 tion 516 of the Foreign Assistance Act of 1961 (22 U.S.C.
23 2321j).

24 (f) COSTS OF TRANSFERS.—Any expense incurred by
25 the United States in connection with a transfer authorized

1 by this section shall be charged to the recipient notwith-
2 standing section 516(e) of the Foreign Assistance Act of
3 1961 (22 U.S.C. 2321j(e)).

4 (g) REPAIR AND REFURBISHMENT IN UNITED
5 STATES SHIPYARDS.—To the maximum extent prac-
6 ticable, the President shall require, as a condition of the
7 transfer of a vessel under this section, that the recipient
8 to which the vessel is transferred have such repair or re-
9 furbishment of the vessel as is needed, before the vessel
10 joins the naval forces of that recipient, performed at a
11 shipyard located in the United States.

12 (h) EXPIRATION OF AUTHORITY.—The authority to
13 transfer a vessel under this section shall expire at the end
14 of the 3-year period beginning on the date of the enact-
15 ment of this Act.

16 TITLE II—ADDITIONAL 17 PROVISIONS

18 SEC. 201. ENHANCED CONGRESSIONAL OVERSIGHT OF 19 ARMS SALES, INCLUDING TO THE MIDDLE 20 EAST.

21 Section 36 of the Arms Export Control Act (22
22 U.S.C. 2776) is amended by adding at the end the fol-
23 lowing new subsection:

24 “(i) PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—
25 At least 30 days prior to a shipment of defense articles

1 subject to the requirements of this section at the request
2 of the Chairman or Ranking Member of the Committee
3 on Foreign Relations of the Senate or the Committee on
4 Foreign Affairs of the House of Representatives, the
5 President shall provide notification of such pending ship-
6 ment, in unclassified form, with a classified annex as nec-
7 essary, to the Committee on Foreign Relations of the Sen-
8 ate and the Committee on Foreign Affairs of the House
9 of Representatives.”.

10 **SEC. 202. PROVISION OF NATIONAL SECURITY INFORMA-**
11 **TION TO CONGRESSIONAL FOREIGN AFFAIRS**
12 **COMMITTEES.**

13 (a) **NEW DIRECTIVES OR POLICY GUIDANCE.**—The
14 President shall provide to the appropriate congressional
15 committees copies of any new Presidential directives or
16 policy guidance on national security, including on United
17 States counterterrorism policies, and brief such commit-
18 tees on such directives or guidance, not later than five
19 days after issuance of such directives or guidance.

20 (b) **PREVIOUS DIRECTIVES OR POLICY GUIDANCE.**—
21 Not later than 15 days after the date of the enactment
22 of this Act, the President shall provide to the appropriate
23 congressional committees copies of any directives or policy
24 guidance described under subsection (a) that were issued

1 on or after January 1, 2013, and prior to the date of the
2 enactment of this Act.

3 **SEC. 203. REPORT ON UNITED STATES COMMITMENTS TO**
4 **THE COUNTRIES IN THE MIDDLE EAST.**

5 (a) INITIAL REPORT.—Not later than 30 days after
6 the date of the enactment of this Act, the President shall
7 submit to the appropriate congressional committees a re-
8 port that contains—

9 (1) a copy of each assurance made by United
10 States government officials to officials of the govern-
11 ment of each country in the Middle East, including
12 such assurances made to the Government of Israel
13 regarding Israel's security and maintenance of
14 Israel's qualitative military edge for the period be-
15 ginning on January 1, 1975, and ending on the date
16 of the enactment of this Act; and

17 (2) an analysis of the extent to which, and by
18 what means, each such assurance has been and is
19 continuing to be fulfilled.

20 (b) SUBSEQUENT REPORTS.—

21 (1) NEW ASSURANCES AND REVISIONS.—Not
22 later than 15 days after the United States Govern-
23 ment makes or revises any security assurance to an
24 official of any of the countries covered by subsection
25 (a)(1), including such assurances made to the Gov-

1 ernment of Israel regarding Israel's security and
2 maintenance of Israel's qualitative military edge, as
3 well as any other assurance made to Israel that is
4 provided in conjunction with exports under the Arms
5 Export Control Act (22 U.S.C. 2751 et seq.), on or
6 after the date of the enactment of this Act, the
7 President shall transmit to the appropriate congress-
8 sional committees a report containing a copy of each
9 such security assurance and an analysis of the ex-
10 tent to which, and by what means, each such secu-
11 rity assurance has been and is continuing to be ful-
12 filled.

13 (2) FIVE-YEAR REPORTS.—Not later than five
14 years after the date of the enactment of this Act,
15 and every five years thereafter, the President shall
16 transmit to the appropriate congressional commit-
17 tees a report that contains the information required
18 under subsection (a) with respect to each assurance
19 described in such subsection and each revision to
20 such assurances made during the preceding five-year
21 period.

22 (c) FORM.—Each report required by this section shall
23 be transmitted in unclassified form, but may contain a
24 classified annex, if necessary.

1 **SEC. 204. REVISION OF STATUTORY REFERENCES TO**
2 **FORMER NATO SUPPORT ORGANIZATIONS**
3 **AND RELATED NATO AGREEMENTS.**

4 Section 21(e)(3) of the Arms Export Control Act (22
5 U.S.C. 2761(e)(3)) is amended—

6 (1) by striking “Maintenance and Supply Agen-
7 cy of the North Atlantic Treaty Organization” both
8 places it appears and inserting “North Atlantic
9 Treaty Organization (NATO) Support Organization
10 and its executive agencies”;

11 (2) in subparagraph (A)(i), by striking “weapon
12 system partnership agreement” and inserting “sup-
13 port partnership agreement”; and

14 (3) in subparagraph (C)(i)(II), by striking “a
15 specific weapon system” and inserting “activities”.

16 **SEC. 205. INCREASE IN ANNUAL LIMITATION ON TRANSFER**
17 **OF EXCESS DEFENSE ARTICLES.**

18 Section 516(g)(1) of the Foreign Assistance Act of
19 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking
20 “\$425,000,000” and inserting “\$500,000,000”.

21 **SEC. 206. INTEGRATED AIR AND MISSILE DEFENSE PRO-**
22 **GRAMS AT TRAINING LOCATIONS IN SOUTH-**
23 **WEST ASIA.**

24 (a) **AUTHORITY.**—Notwithstanding section 544(c)(1)
25 of the Foreign Assistance Act of 1961 (22 U.S.C.
26 2347(c)(1)), for fiscal years 2014 through 2016, the

1 President is authorized to enter into cooperative arrange-
2 ments providing for the participation of foreign and
3 United States military and civilian defense personnel for
4 integrated air and missile defense programs in Southwest
5 Asia without charge to participating countries and, not-
6 withstanding section 632(d) of such Act (22 U.S.C.
7 2392(d)), without charge to the fund available to carry
8 out chapter II of part II of the Foreign Assistance Act
9 (22 U.S.C. 2311 et seq.).

10 (b) REPORT.—Not later than one year after the date
11 of the enactment of this Act, and annually thereafter until
12 a final summary report is submitted after the end of fiscal
13 year 2016, the President shall submit to the Committees
14 on Armed Services and Foreign Relations of the Senate
15 and the Committees on Armed Services and Foreign Af-
16 fairs of the House of Representatives a report on the im-
17 plementation of the authority provided under subsection
18 (a), including a description of the numbers of such partici-
19 pating foreign personnel, the cost of such non-reimburs-
20 able arrangements, and prospects for equitable contribu-
21 tions from such countries in the future.

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