

Calendar No. 247

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, Mr. CORKER, and Mr. COATS) introduced the
following bill; which was read twice and referred to the Committee on
Foreign Relations

NOVEMBER 14, 2013

Reported by Mr. MENENDEZ, without amendment

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—

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

3 (2) the Committee on Foreign Affairs of the
4 House of Representatives.

5 **TITLE I—TRANSFER OF EXCESS**
6 **UNITED STATES NAVAL VESSELS**

7 **SEC. 101. SHORT TITLE.**

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

10 **SEC. 102. TRANSFER OF NAVAL VESSELS TO CERTAIN FOR-**
11 **EIGN RECIPIENTS.**

12 (a) TRANSFERS BY GRANT.—

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

18 (A) MEXICO.—To the Government of Mex-
19 ico, the OLIVER HAZARD PERRY class guid-
20 ed missile frigates USS CURTS (FFG–38) and
21 USS MCCLUSKY (FFG–41).

22 (B) THAILAND.—To the Government of
23 Thailand, the OLIVER HAZARD PERRY
24 class guided missile frigates USS RENTZ

1 (FFG-46) and USS VANDEGRIFT (FFG-
2 48).

3 (b) TRANSFER BY SALE TO THE TAIPEI ECONOMIC
4 AND CULTURAL REPRESENTATIVE OFFICE IN THE
5 UNITED STATES.—The President is authorized to transfer
6 the OLIVER HAZARD PERRY class guided missile frig-
7 ates USS TAYLOR (FFG-50), USS GARY (FFG-51),
8 USS CARR (FFG-52), and USS ELROD (FFG-55) to
9 the Taipei Economic and Cultural Representative Office
10 in the United States (which is the Taiwan instrumentality
11 designated pursuant to section 10(a) of the Taiwan Rela-
12 tions Act (22 U.S.C. 3309(a))) on a sale basis under sec-
13 tion 21 of the Arms Export Control Act (22 U.S.C. 2761).

14 (c) TRANSFER TO PAKISTAN BY GRANT UPON CER-
15 TIFICATIONS.—

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

1 (A) cooperating with the United States
2 Government in counterterrorism efforts against
3 the Haqqani Network, the Quetta Shura
4 Taliban, Lashkar e-Tayyiba, Jaish-e-Moham-
5 med, al Qaeda, and other domestic and foreign
6 terrorist organizations, including taking con-
7 crete and measurable steps to—

8 (i) end Government of Pakistan sup-
9 port for such groups;

10 (ii) prevent such groups from basing
11 and operating in Pakistan; and

12 (iii) prevent such groups from car-
13 rying out cross-border attacks into neigh-
14 boring countries;

15 (B) not supporting terrorist activities
16 against United States or coalition forces or
17 United States citizens in Afghanistan or else-
18 where, or any organizations planning, con-
19 ducting, or advocating such activities;

20 (C) taking concrete and measurable steps
21 to dismantle improvised explosive device (IED)
22 networks and interdict precursor chemicals used
23 in the manufacture of IEDs;

24 (D) not engaging in, and taking concrete
25 and measurable steps to prevent the prolifera-

1 tion of nuclear-related material, equipment,
2 technology, and expertise;

3 (E) issuing visas in a timely manner for
4 United States visitors engaged in counterter-
5 rorism efforts, assistance programs, and De-
6 partment of State operations in Pakistan;

7 (F) providing humanitarian organizations
8 access to detainees, internally displaced per-
9 sons, and other Pakistani civilians affected by
10 the conflict;

11 (G) taking steps towards releasing Dr.
12 Shakil Afridi from prison and clearing him of
13 all charges; and

14 (H) ensuring that the military and intel-
15 ligence agencies of the Government of Pakistan
16 are not intervening into political and judicial
17 processes in Pakistan.

18 (2) WAIVER.—

19 (A) IN GENERAL.—The President may
20 waive the certification requirements under para-
21 graph (1) in any of fiscal years 2014 through
22 2016 if the President determines, and notifies
23 the appropriate congressional committees, that
24 it is in the national security interests of the
25 United States to waive such requirement.

1 (B) EFFECTIVE DATE OF WAIVER.—The
2 waiver shall become effective 45 days after the
3 President provides to the appropriate congress-
4 sional committees a report detailing the reasons
5 for making the determination and an analysis
6 of the degree to which the actions of the Gov-
7 ernment of Pakistan do or do not satisfy the
8 criteria in subparagraphs (A)–(H) of paragraph
9 (1).

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

20 (e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
21 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
22 of a vessel transferred to another country on a grant basis
23 pursuant to authority provided by subsection (a) or (c)
24 shall not be counted against the aggregate value of excess
25 defense articles transferred in any fiscal year under sec-

1 tion 516 of the Foreign Assistance Act of 1961 (22 U.S.C.
2 2321j).

3 (f) COSTS OF TRANSFERS.—Any expense incurred by
4 the United States in connection with a transfer authorized
5 by this section shall be charged to the recipient notwith-
6 standing section 516(e) of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2321j(e)).

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

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

1 **TITLE II—ADDITIONAL**
2 **PROVISIONS**

3 **SEC. 201. ENHANCED CONGRESSIONAL OVERSIGHT OF**
4 **ARMS SALES, INCLUDING TO THE MIDDLE**
5 **EAST.**

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

9 “(i) **PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—**
10 At least 30 days prior to a shipment of defense articles
11 subject to the requirements of this section at the request
12 of the Chairman or Ranking Member of the Committee
13 on Foreign Relations of the Senate or the Committee on
14 Foreign Affairs of the House of Representatives, the
15 President shall provide notification of such pending ship-
16 ment, in unclassified form, with a classified annex as nec-
17 essary, to the Committee on Foreign Relations of the Sen-
18 ate and the Committee on Foreign Affairs of the House
19 of Representatives.”.

20 **SEC. 202. PROVISION OF NATIONAL SECURITY INFORMA-**
21 **TION TO CONGRESSIONAL FOREIGN AFFAIRS**
22 **COMMITTEES.**

23 (a) **NEW DIRECTIVES OR POLICY GUIDANCE.—**The
24 President shall provide to the appropriate congressional
25 committees copies of any new Presidential directives or

1 policy guidance on national security, including on United
2 States counterterrorism policies, and brief such commit-
3 tees on such directives or guidance, not later than five
4 days after issuance of such directives or guidance.

5 (b) PREVIOUS DIRECTIVES OR POLICY GUIDANCE.—
6 Not later than 15 days after the date of the enactment
7 of this Act, the President shall provide to the appropriate
8 congressional committees copies of any directives or policy
9 guidance described under subsection (a) that were issued
10 on or after January 1, 2013, and prior to the date of the
11 enactment of this Act.

12 **SEC. 203. REPORT ON UNITED STATES COMMITMENTS TO**
13 **THE COUNTRIES IN THE MIDDLE EAST.**

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

18 (1) a copy of each assurance made by United
19 States government officials to officials of the govern-
20 ment of each country in the Middle East, including
21 such assurances made to the Government of Israel
22 regarding Israel's security and maintenance of
23 Israel's qualitative military edge for the period be-
24 ginning on January 1, 1975, and ending on the date
25 of the enactment of this Act; and

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

4 (b) SUBSEQUENT REPORTS.—

5 (1) NEW ASSURANCES AND REVISIONS.—Not
6 later than 15 days after the United States Govern-
7 ment makes or revises any security assurance to an
8 official of any of the countries covered by subsection
9 (a)(1), including such assurances made to the Gov-
10 ernment of Israel regarding Israel's security and
11 maintenance of Israel's qualitative military edge, as
12 well as any other assurance made to Israel that is
13 provided in conjunction with exports under the Arms
14 Export Control Act (22 U.S.C. 2751 et seq.), on or
15 after the date of the enactment of this Act, the
16 President shall transmit to the appropriate congress-
17 sional committees a report containing a copy of each
18 such security assurance and an analysis of the ex-
19 tent to which, and by what means, each such secu-
20 rity assurance has been and is continuing to be ful-
21 filled.

22 (2) FIVE-YEAR REPORTS.—Not later than five
23 years after the date of the enactment of this Act,
24 and every five years thereafter, the President shall
25 transmit to the appropriate congressional commit-

1 tees a report that contains the information required
2 under subsection (a) with respect to each assurance
3 described in such subsection and each revision to
4 such assurances made during the preceding five-year
5 period.

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

9 **SEC. 204. REVISION OF STATUTORY REFERENCES TO**
10 **FORMER NATO SUPPORT ORGANIZATIONS**
11 **AND RELATED NATO AGREEMENTS.**

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

14 (1) by striking “Maintenance and Supply Agen-
15 cy of the North Atlantic Treaty Organization” both
16 places it appears and inserting “North Atlantic
17 Treaty Organization (NATO) Support Organization
18 and its executive agencies”;

19 (2) in subparagraph (A)(i), by striking “weapon
20 system partnership agreement” and inserting “sup-
21 port partnership agreement”; and

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

1 **SEC. 205. INCREASE IN ANNUAL LIMITATION ON TRANSFER**
2 **OF EXCESS DEFENSE ARTICLES.**

3 Section 516(g)(1) of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking
5 “\$425,000,000” and inserting “\$500,000,000”.

6 **SEC. 206. INTEGRATED AIR AND MISSILE DEFENSE PRO-**
7 **GRAMS AT TRAINING LOCATIONS IN SOUTH-**
8 **WEST ASIA.**

9 (a) **AUTHORITY.**—Notwithstanding section 544(e)(1)
10 of the Foreign Assistance Act of 1961 (22 U.S.C.
11 2347(e)(1)), for fiscal years 2014 through 2016, the
12 President is authorized to enter into cooperative arrange-
13 ments providing for the participation of foreign and
14 United States military and civilian defense personnel for
15 integrated air and missile defense programs in Southwest
16 Asia without charge to participating countries and, not-
17 withstanding section 632(d) of such Act (22 U.S.C.
18 2392(d)), without charge to the fund available to carry
19 out chapter II of part II of the Foreign Assistance Act
20 (22 U.S.C. 2311 et seq.).

21 (b) **REPORT.**—Not later than one year after the date
22 of the enactment of this Act, and annually thereafter until
23 a final summary report is submitted after the end of fiscal
24 year 2016, the President shall submit to the Committees
25 on Armed Services and Foreign Relations of the Senate
26 and the Committees on Armed Services and Foreign Af-

1 fairs of the House of Representatives a report on the im-
2 plementation of the authority provided under subsection
3 (a), including a description of the numbers of such partici-
4 pating foreign personnel, the cost of such non-reimburs-
5 able arrangements, and prospects for equitable contribu-
6 tions from such countries in the future.

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