Public Law 113–276
113th Congress

An Act

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term “appropriate congressional committees” means—

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

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

TITLE I—TRANSFER OF EXCESS UNITED STATES NAVAL VESSELS

SEC. 101. SHORT TITLE.

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

SEC. 102. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT TO MEXICO.—The President is authorized to transfer to the Government of Mexico the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG–38) and USS MCCLUSKY (FFG–41) on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) TRANSFER BY SALE TO THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG–50), USS GARY (FFG–51), USS CARR (FFG–52), and USS ELROD (FFG–55) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) ALTERNATIVE TRANSFER AUTHORITY.—Notwithstanding the authority provided in subsections (a) and (b) and to transfer specific vessels to specific countries, the President is authorized to transfer any vessel named in this title to any country named in this section, subject to the same conditions that would apply for such country under this section, such that the total number of vessels transferred...
to such country does not exceed the total number of vessels authorized for transfer to such country by this section.

(d) Grants Not Counted in Annual Total of Transferred Excess Defense Articles.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(e) Costs of Transfers.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(g) Expiration of Authority.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

TITLE II—ADDITIONAL PROVISIONS

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

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

“(i) Prior Notification of Shipment of Arms.—At least 30 days prior to a shipment of defense articles subject to the requirements of subsection (b) at the joint request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall provide notification of such pending shipment, in unclassified form, with a classified annex as necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.”

SEC. 202. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.

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

SEC. 203. INTEGRATED AIR AND MISSILE DEFENSE PROGRAMS AT TRAINING LOCATIONS IN SOUTHWEST ASIA.

Section 544(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c(c)) is amended by adding at the end the following new paragraph:

“(4) The President shall report to the appropriate congressional committees (as defined in section 656(e)) annually on the activities undertaken in the programs authorized under this subsection.”

SEC. 204. LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:
“(k) LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.—
“(1) IN GENERAL.—A license or other approval from the
Department of State granted in accordance with this section
may also authorize the export of items subject to the Export
Administration Regulations if such items are to be used in
or with defense articles controlled on the United States Mun-
itions List.
“(2) OTHER REQUIREMENTS.—The following requirements
shall apply with respect to a license or other approval to
authorize the export of items subject to the Export Administra-
tion Regulations under paragraph (1):
“(A) Separate approval from the Department of Com-
merce shall not be required for such items if such items
are approved for export under a Department of State
license or other approval.
“(B) Such items subject to the Export Administration
Regulations that are exported pursuant to a Department
of State license or other approval would remain under
the jurisdiction of the Department of Commerce with
respect to any subsequent transactions.
“(C) The inclusion of the term ‘subject to the EAR’
or any similar term on a Department of State license
or approval shall not affect the jurisdiction with respect
to such items.
“(3) DEFINITION.—In this subsection, the term ‘Export
Administration Regulations’ means—
“(A) the Export Administration Regulations as main-
tained and amended under the authority of the Inter-
et seq.); or
“(B) any successor regulations.”.

SEC. 205. AMENDMENTS RELATING TO REMOVAL OF MAJOR DEFENSE
EQUIPMENT FROM UNITED STATES MUNITIONS LIST.

(a) REQUIREMENTS FOR REMOVAL OF MAJOR DEFENSE EQUIP-
MENT FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the
Arms Export Control Act (22 U.S.C. 2778(f)) is amended by adding
at the end the following:
“(5)(A) Except as provided in subparagraph (B), the Presi-
dent shall take such actions as may be necessary to require
that, at the time of export or reexport of any major defense
equipment listed on the 600 series of the Commerce Control
List contained in Supplement No. 1 to part 774 of subtitle
B of title 15, Code of Federal Regulations, the major defense
equipment will not be subsequently modified so as to transform
such major defense equipment into a defense article.
“(B) The President may authorize the transformation of
any major defense equipment described in subparagraph (A)
into a defense article if the President—
“(i) determines that such transformation is appropriate
and in the national interests of the United States; and
“(ii) provides notice of such transformation to the chair-
man of the Committee on Foreign Affairs of the House
of Representatives and the chairman of the Committee
on Foreign Relations of the Senate consistent with the
notification requirements of section 36(b)(5)(A) of this Act.

Applicability.

President.

Determination.

Notification.
(C) In this paragraph, the term ‘defense article’ means an item designated by the President pursuant to subsection (a)(1).”.

(b) Notification and reporting requirements for major defense equipment removed from United States Munitions List.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), as amended by this section, is further amended by adding at the end the following:

“(6) The President shall ensure that any major defense equipment that is listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, shall continue to be subject to the notification and reporting requirements of the following provisions of law:

“(A) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).
“(C) Section 3(d)(3)(A) of this Act.
“(D) Section 25 of this Act.
“(E) Section 36(b), (c), and (d) of this Act.”.

SEC. 206. Amendment to definition of “security assistance” under the Foreign Assistance Act of 1961.

Section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)) is amended—

(1) in paragraph (1), by striking “and” at the end; and
(2) by amending paragraph (2)(C) to read as follows:

“(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or
(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;”.

SEC. 207. Amendments to definitions of “defense article” and “defense service” under the Arms Export Control Act.

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (3), by striking “includes” and inserting “means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States”; and
(2) in paragraph (4), by striking “includes” and inserting “means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States,”.

SEC. 208. Technical amendments.

(a) In general.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—
(1) in sections 3(a), 3(d)(1), 3(d)(3)(A), 3(e), 5(c), 6, 21(g),
36(a), 36(b)(1), 36(b)(5)(C), 36(c)(1), 36(f), 38(f)(1), 40(f)(1),
40(g)(2)(B), 101(b), and 102(a)(2), by striking “the Speaker of
the House of Representatives and” each place it appears and
inserting “the Speaker of the House of Representatives, the
Committee on Foreign Affairs of the House of Representatives,
and”;
(2) in section 21(i)(1) by inserting after “the Speaker of
the House of Representatives” the following “, the Committees
on Foreign Affairs and Armed Services of the House of Repre-
sentatives,”;
(3) in sections 25(e), 38(f)(2), 38(j)(3), and 38(j)(4)(B), by
striking “International Relations” each place it appears and
inserting “Foreign Affairs’’;
(4) in sections 27(f) and 62(a), by inserting after “the
Speaker of the House of Representatives,” each place it ap-
pears the following: “the Committee on Foreign Affairs of the
House of Representatives,’’; and
(5) in section 73(e)(2), by striking “the Committee on
National Security and the Committee on International Rela-
tions of the House of Representatives” and inserting “the
Committee on Armed Services and the Committee on Foreign Affairs
of the House of Representatives”.
(b) OTHER TECHNICAL AMENDMENTS.—
(1) ARMS EXPORT CONTROL ACT.—The Arms Export Control
Act (22 U.S.C. 2751 et seq.), as amended by subsection (a),
is further amended—
(A) in section 38—
(i) in subsection (b)(1), by redesignating the second
subparagraph (B) (as added by section 1255(b) of the
Foreign Relations Authorization Act, Fiscal Years 1988
and 1989 (Public Law 100–204; 101 Stat. 1431)) as
subparagraph (C);
(ii) in subsection (g)(1)(A)—
(I) in clause (xi), by striking “; or” and
inserting “, or”; and
(II) in clause (xii)—
(aa) by striking “section” and inserting
“sections”; and
(bb) by striking “(18 U.S.C. 175b)” and
inserting “(18 U.S.C. 175c)”;
(iii) in subsection (j)(2), in the matter preceding
subparagraph (A), by inserting “in after “to”; and
(B) in section 47(2), in the matter preceding subpara-
graph (A), by striking “sec. 21(a),” and inserting “section
21(a),”;
(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 502B of the
Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended—
(A) in subsection (b), by striking “Wherever applicable,
a description” and inserting “Wherever applicable, such
report shall include a description”; and
(B) in subsection (d)(2)(B), by striking “credits” and
inserting “credits).”

(a) Protection of Information.—Section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)) has been in effect from August 20, 2001, and continues in effect on and after the date of the enactment of this Act, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and notwithstanding section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419). Section 12(c)(1) of the Export Administration Act of 1979 is a statute covered by section 552(b)(3) of title 5, United States Code.

(b) Termination Date.—Subsection (a) terminates at the end of the 4-year period beginning on the date of the enactment of this Act.

Approved December 18, 2014.