To track arms transfers of United States-origin defense articles throughout the lifetime of the transaction, identify solutions to address delivery time lags, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2022

Mrs. Kim of California (for herself, Mr. McCaul, Mr. Mast, and Mr. Chabot) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To track arms transfers of United States-origin defense articles throughout the lifetime of the transaction, identify solutions to address delivery time lags, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arms Exports Delivery

Solutions Act”.

SEC. 2. REPORT ON ARMS DELIVERIES.

(a) SENSE OF CONGRESS.—It is the sense of Con-
(1) prioritizing the defense needs of United States allies and partners globally is a national security priority; and

(2) sustained support to key partners for interoperable defense systems is critical to preserve—

(A) the safety and security of American persons;

(B) the free flow of commerce through international trade routes;

(C) the United States commitment to collective security agreements, territorial integrity, and recognized maritime boundaries; and

(D) Taiwan’s defense capability both in quantitative and qualitative terms.

(b) REPORT REQUIRED.—Not later than March 1, 2023, and March 1, 2024, the Secretary of State and the Secretary of Defense shall jointly transmit to the appropriate congressional committees a report with respect to the transfer of all defense articles or defense services, on or after October 1, 2017, pursuant to the authorities provided by—

(1) section 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or

(2) section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(2)).
(c) ELEMENTS.—The report required by subsection (b) shall also contain the following:

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2765 and 2776) with a total value of $25,000,000 or more, to Taiwan, Japan, South Korea, Australia, or New Zealand, that have not been fully delivered by the start of the fiscal year in which the report is being submitted.

(2) The estimated start and end dates of delivery for each approved and incomplete transfer listed pursuant to paragraph (1), including additional details and dates for any transfers that involve multiple tranches of deliveries.

(3) With respect to each approved and incomplete transfer listed pursuant to paragraph (1), a detailed description of—

(A) any changes in the delivery dates of defense articles or services relative to the dates anticipated at the time of congressional approval of the transfer, including specific reasons for any delays related to the United States Government, defense suppliers, or a foreign partner;
(B) the feasibility and advisability of providing the partner subject to such delayed delivery with an interim capability or solution, including drawing from United States stocks, and any challenges to implementing such a capability or solution; and

(C) authorities, appropriations, or waiver requests that Congress could provide to improve delivery timelines or authorize the provision of interim capabilities or solutions identified pursuant to subparagraph (B).

(4) A description of ongoing interagency efforts to support attainment of operational capability of the corresponding defense articles and services once delivered, including advance training with United States or allied forces on the systems to be received. The description of any such training shall also include an identification of the training implementer.

(5) If a transfer listed pursuant to paragraph (1) has been terminated prior to the date of the submission of the report for any reason—

(A) the case information for such transfer;

(B) a description of the reasons for which the transfer is no longer in effect; and
(C) the impact this termination will have on the intended end-user and the consequent implications for regional security.

(6) A separate description of the actions the United States is taking to expedite deliveries of defense articles and services to Taiwan, including in particular, whether the United States intends to divert defense articles from United States stocks to provide an interim capability or solution with respect to any delayed deliveries to Taiwan and the plan, if applicable, to replenish any such diverted stocks.

(7) A description of other potential actions undertaken by the Department of State to improve delivery timelines for the transfers listed pursuant to paragraph (1).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this Act, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.