

117TH CONGRESS
2D SESSION

H. R. 8259

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.

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. SHORT TITLE.**

4 This Act may be cited as the “Arms Exports Delivery
5 Solutions Act”.

6 **SEC. 2. REPORT ON ARMS DELIVERIES.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

1 (1) prioritizing the defense needs of United
2 States allies and partners globally is a national secu-
3 rity priority; and

4 (2) sustained support to key partners for inter-
5 operable defense systems is critical to preserve—

6 (A) the safety and security of American
7 persons;

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

10 (C) the United States commitment to col-
11 lective security agreements, territorial integrity,
12 and recognized maritime boundaries; and

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

15 (b) REPORT REQUIRED.—Not later than March 1,
16 2023, and March 1, 2024, the Secretary of State and the
17 Secretary of Defense shall jointly transmit to the appro-
18 priate congressional committees a report with respect to
19 the transfer of all defense articles or defense services, on
20 or after October 1, 2017, pursuant to the authorities pro-
21 vided by—

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

24 (2) section 516(c)(2) of the Foreign Assistance
25 Act of 1961 (22 U.S.C. 2321j(c)(2)).

1 (c) ELEMENTS.—The report required by subsection
2 (b) shall also contain the following:

3 (1) A list of all approved transfers of defense
4 articles and services authorized by Congress pursu-
5 ant to sections 25 and 36 of the Arms Export Con-
6 trol Act (22 U.S.C. 2765 and 2776) with a total
7 value of \$25,000,000 or more, to Taiwan, Japan,
8 South Korea, Australia, or New Zealand, that have
9 not been fully delivered by the start of the fiscal
10 year in which the report is being submitted.

11 (2) The estimated start and end dates of deliv-
12 ery for each approved and incomplete transfer listed
13 pursuant to paragraph (1), including additional de-
14 tails and dates for any transfers that involve mul-
15 tiple tranches of deliveries.

16 (3) With respect to each approved and incom-
17 plete transfer listed pursuant to paragraph (1), a de-
18 tailed description of—

19 (A) any changes in the delivery dates of
20 defense articles or services relative to the dates
21 anticipated at the time of congressional ap-
22 proval of the transfer, including specific reasons
23 for any delays related to the United States Gov-
24 ernment, defense suppliers, or a foreign part-
25 ner;

1 (B) the feasibility and advisability of pro-
2 viding the partner subject to such delayed deliv-
3 ery with an interim capability or solution, in-
4 cluding drawing from United States stocks, and
5 any challenges to implementing such a capa-
6 bility or solution; and

7 (C) authorities, appropriations, or waiver
8 requests that Congress could provide to improve
9 delivery timelines or authorize the provision of
10 interim capabilities or solutions identified pur-
11 suant to subparagraph (B).

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

19 (5) If a transfer listed pursuant to paragraph
20 (1) has been terminated prior to the date of the sub-
21 mission of the report for any reason—

22 (A) the case information for such transfer;

23 (B) a description of the reasons for which
24 the transfer is no longer in effect; and

1 (C) the impact this termination will have
2 on the intended end-user and the consequent
3 implications for regional security.

4 (6) A separate description of the actions the
5 United States is taking to expedite deliveries of de-
6 fense articles and services to Taiwan, including in
7 particular, whether the United States intends to di-
8 vert defense articles from United States stocks to
9 provide an interim capability or solution with respect
10 to any delayed deliveries to Taiwan and the plan, if
11 applicable, to replenish any such diverted stocks.

12 (7) A description of other potential actions un-
13 dertaken by the Department of State to improve de-
14 livery timelines for the transfers listed pursuant to
15 paragraph (1).

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
17 DEFINED.—In this Act, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Foreign Affairs and the
20 Committee on Armed Services of the House of Rep-
21 resentatives; and

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

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