

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 1744

To amend the Arms Export Control Act to include Taiwan among the list of recipient countries with respect to which shorter certification and reporting periods apply and to expedite licensing for allies transferring military equipment to Taiwan, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. RICKETTS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Providing Our Re-
5 gional Companions Upgraded Protection in Nefarious En-
6 vironments Act” or “PORCUPINE Act”.

1 **SEC. 2. MODIFICATION OF CERTIFICATION AND REPORT-**
2 **ING REQUIREMENTS UNDER THE ARMS EX-**
3 **PORT CONTROL ACT.**

4 (a) IN GENERAL.—The Arms Export Control Act (22
5 U.S.C. 2751 et seq.) is amended—

6 (1) in section 3 (22 U.S.C. 2753)—

7 (A) in subsection (b)(2), by inserting “the
8 Government of Taiwan,” before “or the”; and

9 (B) in subsection (d)—

10 (i) in paragraph (2)(B), by striking
11 “or New Zealand” and inserting “New
12 Zealand, or Taiwan”;

13 (ii) in paragraph (3)(A)(i), by striking
14 “or New Zealand” and inserting “New
15 Zealand, or Taiwan”; and

16 (iii) in paragraph (5), by striking “or
17 New Zealand” and inserting “New Zea-
18 land, or Taiwan”;

19 (2) in section 21 (22 U.S.C. 2761)—

20 (A) in subsection (e)(2)(A), by striking “or
21 New Zealand” and inserting “New Zealand, or
22 Taiwan”; and

23 (B) in subsection (h)—

24 (i) in paragraph (1)(A), by striking
25 “or Israel” and inserting “Israel, or Tai-
26 wan”; and

1 (ii) in paragraph (2), by striking “or
2 Israel” and inserting “Israel, or Taiwan”;

3 (3) in section 36 (22 U.S.C. 2776)—

4 (A) in subsection (b)—

5 (i) in paragraph (1), in the undesig-
6 nated matter following subparagraph (P),
7 in the second sentence, by striking “or
8 New Zealand” and inserting “New Zea-
9 land, or Taiwan”;

10 (ii) in paragraph (2), by striking “or
11 New Zealand” and inserting “New Zea-
12 land, or Taiwan”; and

13 (iii) in paragraph (6), in the matter
14 preceding subparagraph (A), by striking
15 “or New Zealand” and inserting “New
16 Zealand, or Taiwan”;

17 (B) in subsection (c)—

18 (i) in paragraph (2)(A), by striking
19 “or New Zealand” and inserting “New
20 Zealand, or Taiwan”; and

21 (ii) in paragraph (5), by striking “or
22 New Zealand” and inserting “New Zea-
23 land, or Taiwan”; and

1 (C) in subsection (d)(2)(A), by striking “or
2 New Zealand” and inserting “New Zealand, or
3 Taiwan”;

4 (4) in section 62(c)(1) (22 U.S.C. 2796a(c)(1)),
5 by striking “or New Zealand” and inserting “New
6 Zealand, or Taiwan”; and

7 (5) in section 63(a)(2) (22 U.S.C.
8 2796b(a)(2)), in the matter preceding subparagraph
9 (A), by striking “or New Zealand” and inserting
10 “New Zealand, or Taiwan”.

11 (b) REPORT.—Not later than two years after the date
12 of the enactment of this section, and every two years
13 thereafter, the Secretary of State shall submit to the Com-
14 mittee on Foreign Relations of the Senate and the Com-
15 mittee on Foreign Affairs of the House of Representatives
16 a report on the implementation and effectiveness of the
17 amendments made by this section.

18 **SEC. 3. EXPEDITED LICENSING FOR ALLIES TRANSFER-**
19 **RING MILITARY EQUIPMENT TO TAIWAN.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, the Secretary of State
22 shall establish, to the extent practicable regarding staffing
23 levels and resources, an expedited decision-making process
24 for third party transfers of defense articles and services
25 from North Atlantic Treaty Organization member coun-

1 tries, Japan, Australia, the Republic of Korea, New Zea-
2 land, or Israel to Taiwan, including transfers and re-trans-
3 fers of United States-origin grant, Foreign Military Sales,
4 and Direct Commercial Sales end-items not covered by an
5 exemption under the International Traffic in Arms Regu-
6 lations under subchapter M of chapter I of title 22, Code
7 of Federal Regulations.

8 (b) AVAILABILITY.—The expedited decision-making
9 process described in subsection (a)—

10 (1) shall be available for classified and unclassi-
11 fied items; and

12 (2) shall, to the extent practicable—

13 (A) require the approval, return, or denial
14 of any licensing application to export defense
15 articles and services that is related to a govern-
16 ment-to-government agreement within 15 days
17 after the submission of such application; and

18 (B) require the completion of the review of
19 all other licensing requests not later than 30
20 days after the submission of such application.

21 (c) REPORT.—Not later than one year after the date
22 on which the expedited decision-making process under
23 subsection (a) is established, the Secretary of State shall
24 submit to the Committee on Foreign Relations of the Sen-
25 ate and the Committee on Foreign Affairs of the House

1 of Representatives a report on the implementation and ef-
2 fectiveness of such process, including an assessment of the
3 actions taken to coordinate with North Atlantic Treaty
4 Organization member countries, Japan, Australia, the Re-
5 public of Korea, New Zealand, and Israel to ensure align-
6 ment with the respective export control regulations of such
7 countries.