

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 “Tai-
8 wan,” 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. FEASIBILITY ASSESSMENT OF EXPEDITED LICENS-**
19 **ING FOR ALLIES TRANSFERRING MILITARY**
20 **EQUIPMENT TO TAIWAN.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of the enactment of this Act, the Secretary of State
23 shall conduct an assessment of the feasibility of estab-
24 lishing an expedited decision-making process for third
25 party transfers of defense articles and services from North

1 Atlantic Treaty Organization member countries, Japan,
2 Australia, the Republic of Korea, New Zealand, or Israel
3 to Taiwan, including transfers and re-transfers of United
4 States-origin grant, Foreign Military Sales, and Direct
5 Commercial Sales end-items not covered by an exemption
6 under the International Traffic in Arms Regulations
7 under subchapter M of chapter I of title 22, Code of Fed-
8 eral Regulations.

9 (b) ELEMENTS.—The assessment required by sub-
10 section (a) shall include an assessment of the following:

11 (1) The availability of such an expedited deci-
12 sion-making process for classified and unclassified
13 items.

14 (2) The feasibility of requiring—

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

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

23 (c) BRIEFING.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of State
25 shall provide the Committee on Foreign Relations of the

1 Senate and the Committee on Foreign Affairs of the
2 House of Representatives with a briefing on the outcome
3 of the assessment required by subsection (a).

4 **SEC. 4. RULE OF CONSTRUCTION.**

5 Nothing in this Act may be construed to alter the
6 policy of the United States toward Taiwan as specified in
7 the Taiwan Relations Act (22 U.S.C. 3301 et seq.).

8 **SEC. 5. SUNSET.**

9 This Act shall cease to have effect on the date that
10 is 7 years after the date of the enactment of this Act.