

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1102

To promote security and energy partnerships in the Eastern Mediterranean, 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. MENENDEZ

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 “Eastern Mediterranean
5 Security and Energy Partnership Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The security of partners and allies in the
9 Eastern Mediterranean region is critical to the secu-
10 rity of the United States and Europe.

1 (2) Greece is a valuable member of the North
2 Atlantic Treaty Organization (NATO) and a key pil-
3 lar of stability in the Eastern Mediterranean.

4 (3) Israel is a steadfast ally of the United
5 States and has been designated a “major non-NATO
6 ally” and “major strategic partner”.

7 (4) Cyprus is a key strategic partner and
8 signed a Statement of Intent with the United States
9 on November 6, 2018, to enhance bilateral security
10 cooperation.

11 (5) The countries of Greece, Cyprus, and Israel
12 have participated in critical trilateral summits to im-
13 prove cooperation on energy and security issues.

14 (6) Secretary of State Mike Pompeo partici-
15 pated in the trilateral summit among Israel, Greece,
16 and Cyprus on March 20, 2019.

17 (7) The United States, Israel, Greece, and Cy-
18 prus oppose any action in the Eastern Mediterra-
19 nean and the Aegean Sea that could challenge sta-
20 bility, violate international law, or undermine good
21 neighborly relations, and in a joint declaration on
22 March 21, 2019, agreed to “defend against external
23 malign influences in the Eastern Mediterranean and
24 the broader Middle East”.

1 (8) The recent discovery of what may be the re-
2 gion's largest natural gas field off the Egyptian
3 coast and the newest discoveries of natural gas off
4 the coast of Cyprus could represent a significant and
5 positive development for the Eastern Mediterranean
6 and the Middle East, enhancing the region's stra-
7 tegic energy significance.

8 (9) Turkish government officials have expressed
9 an intent to purchase the S-400 system from the
10 Russian Federation, which is subject to mandatory
11 sanctions under the Countering America's Adver-
12 saries Through Sanctions Act (Public Law 115-44).

13 (10) It is in the national security interest of the
14 United States to promote, achieve, and maintain en-
15 ergy security among, and through cooperation with,
16 allies.

17 (11) Natural gas developments in the Eastern
18 Mediterranean have the potential to provide eco-
19 nomic gains and contribute to energy security in the
20 region and Europe, as well as support European ef-
21 forts to diversify away from natural gas supplied by
22 the Russian Federation.

23 (12) The soon to be completed Trans Adriatic
24 Pipeline is a critical component of the Southern Gas

1 Corridor and the European Union's efforts to diver-
2 sify energy resources.

3 (13) The proposed Eastern Mediterranean pipe-
4 line, if commercially viable, would provide for energy
5 diversification in accordance with the European
6 Union's third energy package of reforms.

7 (14) The United States acknowledges the
8 achievements and importance of the Binational In-
9 dustrial Research and Development Foundation
10 (BIRD) and the United States-Israel Binational
11 Science Foundation (BSF) and supports continued
12 multiyear funding to ensure the continuity of the
13 programs of the Foundations.

14 (15) The United States has welcomed Greece's
15 allocation of 2 percent of its gross domestic product
16 (GDP) to defense in accordance with commitments
17 made at the 2014 NATO Summit in Wales.

18 (16) Energy exploration in the Eastern Medi-
19 terranean region must be safeguarded against
20 threats posed by terrorist and extremist groups, in-
21 cluding Hezbollah and any other actor in the region.

22 (17) The energy exploration in the Republic of
23 Cyprus's Exclusive Economic Zone and territorial
24 waters—

1 (A) furthers United States interests by
2 providing a potential alternative to Russian gas
3 for United States allies and partners; and

4 (B) should not be impeded by other sov-
5 ereign states.

6 (18) The United States Government cooperates
7 closely with Cyprus, Greece, and Israel through in-
8 formation sharing agreements.

9 (19) United States officials have assisted the
10 Government of the Republic of Cyprus with crafting
11 that nation's national security strategy.

12 (20) The United States Government provides
13 training to Cypriot officials in areas such as cyberse-
14 curity, counterterrorism, and explosive ordnance dis-
15 posal and stockpile management.

16 (21) Israel, Greece, and Cyprus are valued
17 members of the Proliferation Security Initiative to
18 combat the trafficking of weapons of mass destruc-
19 tion.

20 (22) The Republic of Cyprus continues to work
21 closely with the United Nations and regional part-
22 ners in Europe to combat terrorism and violent ex-
23 tremism.

24 (23) Despite robust economic and security rela-
25 tions with the United States, the Republic of Cyprus

1 has been subject to a United States prohibition on
2 the export of defense articles and services since
3 1987.

4 (24) The 1987 arms prohibition was designed
5 to restrict United States arms sales and transfer to
6 the Republic of Cyprus and the occupied part of Cy-
7 prus to avoid hindering reunification efforts.

8 (25) At least 40,000 Turkish troops are sta-
9 tioned in the occupied part of Cyprus with some
10 weapons procured from the United States through
11 mainland Turkey.

12 (26) While the United States has, as a matter
13 of policy, avoided the provision of defense articles
14 and services to the Republic of Cyprus, the Govern-
15 ment of Cyprus has, in the past, sought to obtain
16 defense articles from other countries, including coun-
17 tries, such as Russia, that pose challenges to United
18 States interests around the world.

19 **SEC. 3. STATEMENT OF POLICY.**

20 It is the policy of the United States—

21 (1) to continue to actively participate in the tri-
22 lateral dialogue on energy, maritime security, cyber-
23 security and protection of critical infrastructure con-
24 ducted among Israel, Greece, and Cyprus;

1 (2) to support diplomatic efforts with partners
2 and allies to deepen energy security cooperation
3 among Greece, Cyprus, and Israel and to encourage
4 the private sector to make investments in energy in-
5 frastructure in the Eastern Mediterranean region;

6 (3) to strongly support the completion of the
7 Trans Adriatic and Eastern Mediterranean Pipelines
8 and the establishment of liquified natural gas (LNG)
9 terminals across the Eastern Mediterranean as a
10 means of diversifying regional energy needs away
11 from the Russian Federation;

12 (4) to maintain a robust United States naval
13 presence and investments in the naval facility at
14 Souda Bay, Greece and develop deeper security co-
15 operation with Greece to include the recent MQ-9
16 deployments to the Larissa Air Force Base and
17 United States Army helicopter training in central
18 Greece;

19 (5) to welcome Greece's commitment to move
20 forward with the Interconnector Greece-Bulgaria
21 (IGB pipeline) and additional LNG terminals that
22 will help facilitate delivery of non-Russian gas to the
23 Balkans and central Europe;

1 (6) to support deepened security cooperation
2 with the Republic of Cyprus through the removal of
3 the arms embargo on the country;

4 (7) to support robust International Military
5 Education and Training (IMET) programming with
6 Greece and the Republic of Cyprus;

7 (8) to leverage relationships within the Euro-
8 pean Union to encourage investments in Cypriot bor-
9 der and maritime security;

10 (9) to support efforts to counter Russian Fed-
11 eration interference and influence in the Eastern
12 Mediterranean through increased security coopera-
13 tion with Greece, Cyprus, and Israel, to include in-
14 telligence sharing, cyber, and maritime domain
15 awareness;

16 (10) to support the Republic of Cyprus' efforts
17 to regulate its banking industry to ensure that it is
18 not used as a source of international money laun-
19 dering and encourage additional measures toward
20 that end;

21 (11) to strongly oppose any actions that would
22 trigger mandatory sanctions pursuant to section 231
23 of the Countering America's Adversaries Through
24 Sanctions Act (CAATSA) (Public Law 115-44), to

1 include the purchase by Turkey of an S-400 system
2 from the Russian Federation;

3 (12) to continue robust official strategic en-
4 gagement with Israel, Greece, and Cyprus;

5 (13) to urge countries in the region to deny
6 port services to Russian Federation vessels deployed
7 to support the government of Bashar Al-Assad in
8 Syria;

9 (14) to support joint military exercises among
10 Israel, Greece, and Cyprus;

11 (15) to fully implement relevant CAATSA pro-
12 visions to prevent interference by the Russian Fed-
13 eration in the region;

14 (16) to support efforts by countries in the re-
15 gion to demobilize military equipment supplied by
16 the Russian Federation in favor of equipment pro-
17 vided by NATO and NATO-allied member countries;
18 and

19 (17) to strongly support the active and robust
20 participation of Israel, Cyprus, and Greece in the
21 Combating Terrorism Fellowship Program.

22 **SEC. 4. UNITED STATES-EASTERN MEDITERRANEAN EN-**
23 **ERGY COOPERATION.**

24 (a) IN GENERAL.—The Secretary of State, in coordi-
25 nation with the Secretary of Energy, may enter into coop-

1 erative agreements supporting and enhancing dialogue
2 and planning involving international partnerships between
3 the United States and Israel, Greece, and the Republic
4 of Cyprus.

5 (b) ANNUAL REPORTS.—If the Secretary of State, in
6 coordination with the Secretary of Energy, enters into
7 agreements authorized under subsection (a), the Secretary
8 shall submit an annual report to the appropriate congres-
9 sional committees that describes—

10 (1) actions taken to implement such agree-
11 ments; and

12 (2) any projects undertaken pursuant to such
13 agreements.

14 (c) UNITED STATES-EASTERN MEDITERRANEAN EN-
15 ERGY CENTER.—The Secretary of Energy, in coordination
16 with the Secretary of State, may establish a joint United
17 States-Eastern Mediterranean Energy Center in the
18 United States leveraging the experience, knowledge, and
19 expertise of institutions of higher education and entities
20 in the private sector, among others, in offshore energy de-
21 velopment to further dialogue and collaboration to develop
22 more robust academic cooperation in energy innovation
23 technology and engineering, water science, technology
24 transfer, and analysis of emerging geopolitical implica-
25 tions, which include opportunities as well as crises and

1 threats from foreign natural resource and energy acquisi-
2 tions.

3 **SEC. 5. REPEAL OF PROHIBITION ON TRANSFER OF ARTI-**
4 **CLES ON THE UNITED STATES MUNITIONS**
5 **LIST TO THE REPUBLIC OF CYPRUS.**

6 (a) SENSE OF CONGRESS ON CYPRUS.—It is the
7 sense of Congress that—

8 (1) allowing for the export, re-export or trans-
9 fer of arms subject to the United States Munitions
10 List (part 121 of title 22, Code of Federal Regula-
11 tions) to the Republic of Cyprus would advance
12 United States security interests in Europe by help-
13 ing to reduce the dependence of the Government of
14 the Republic of Cyprus on other countries, including
15 countries that pose challenges to United States in-
16 terests around the world, for defense-related mate-
17 riel; and

18 (2) it is in the interest of the United States—

19 (A) to continue to support United Nations-
20 facilitated efforts toward a comprehensive solu-
21 tion to the division of Cyprus; and

22 (B) for the Republic of Cyprus to join
23 NATO's Partnership for Peace program.

1 (b) MODIFICATION OF PROHIBITION.—Section
2 620C(e) of the Foreign Assistance Act of 1961 (22 U.S.C.
3 2373(e)) is amended—

4 (1) in paragraph (1), by striking “Any agree-
5 ment” and inserting “Except as provided in para-
6 graph (3), any agreement”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(3) The requirement under paragraph (1)
10 shall not apply to any sale or other provision of any
11 defense article or defense service to Cyprus if the
12 end-user of such defense article or defense service is
13 the Government of the Republic of Cyprus.”.

14 (c) EXCLUSION OF THE GOVERNMENT OF THE RE-
15 PUBLIC OF CYPRUS FROM CERTAIN RELATED REGULA-
16 TIONS.—

17 (1) IN GENERAL.—Subject to subsection (d)
18 and except as provided in paragraph (2), beginning
19 on the date of the enactment of this Act, the Sec-
20 retary of State shall not apply a policy of denial for
21 exports, re-exports, or transfers of defense articles
22 and defense services destined for or originating in
23 the Republic of Cyprus if—

24 (A) the request is made by or on behalf of
25 the Government of the Republic of Cyprus; and

1 (B) the end-user of such defense articles or
2 defense services is the Government of the Re-
3 public of Cyprus.

4 (2) EXCEPTION.—This exclusion shall not apply
5 to any denial based upon credible human rights con-
6 cerns.

7 (d) LIMITATIONS ON THE TRANSFER OF ARTICLES
8 ON THE UNITED STATES MUNITIONS LIST TO THE RE-
9 PUBLIC OF CYPRUS.—

10 (1) IN GENERAL.—The policy of denial for ex-
11 ports, re-exports, or transfers of defense articles on
12 the United States Munitions List to the Republic of
13 Cyprus shall remain in place unless the President
14 determines and certifies to the appropriate congres-
15 sional committees not less than annually that—

16 (A) the Government of the Republic of Cy-
17 prus is continuing to cooperate with the United
18 States Government in efforts to implement re-
19 forms on anti-money laundering regulations and
20 financial regulatory oversight; and

21 (B) the Government of the Republic of Cy-
22 prus has made and is continuing to take the
23 steps necessary to deny Russian military vessels
24 access to ports for refueling and servicing.

1 (2) WAIVER.—The President may waive the
2 limitations contained in this subsection for one fiscal
3 year if the President determines that it is essential
4 to the national security interests of the United
5 States to do so.

6 (3) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES DEFINED.—In this section, the term “appro-
8 priate congressional committees” means—

9 (A) the Committee on Foreign Relations
10 and the Committee on Armed Services of the
11 Senate; and

12 (B) the Committee on Foreign Affairs and
13 the Committee on Armed Services of the House
14 of Representatives.

15 **SEC. 6. IMET COOPERATION WITH GREECE AND THE RE-**
16 **PUBLIC OF CYPRUS.**

17 There is authorized to be appropriated \$1,300,000
18 for fiscal year 2020, \$1,500,000 for fiscal year 2021, and
19 \$1,800,000 for fiscal year 2022 for International Military
20 Education and Training (IMET) assistance for Greece
21 and \$200,000 for fiscal year 2020, \$500,000 for fiscal
22 year 2021, and \$750,000 for fiscal year 2022 for such
23 assistance for the Republic of Cyprus. The assistance shall
24 be made available for the following purposes:

25 (1) Training of future leaders.

1 (2) Fostering a better understanding of the
2 United States.

3 (3) Establishing a rapport between the United
4 States military and the country's military to build
5 alliances for the future.

6 (4) Enhancement of interoperability and capa-
7 bilities for joint operations.

8 (5) Focusing on professional military education.

9 (6) Enabling countries to use their national
10 funds to receive a reduced cost for other Department
11 of Defense education and training.

12 **SEC. 7. FOREIGN MILITARY FINANCING.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for fiscal year 2020
15 \$3,000,000 for Foreign Military Financing (FMF) assist-
16 ance for Greece to assist the country in meeting its com-
17 mitment as a member of the North Atlantic Treaty Orga-
18 nization (NATO) to dedicate 20 percent of its defense
19 budget to enhance research and development.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that Greece should receive robust support under the
22 European Recapitalization Incentive Program imple-
23 mented by the Department of Defense.

1 **SEC. 8. LIMITATION ON TRANSFER OF F-35 AIRCRAFT TO**
2 **TURKEY.**

3 (a) IN GENERAL.—Except as provided under sub-
4 section (b), no funds may be obligated or expended—

5 (1) to transfer, facilitate the transfer, or au-
6 thorize the transfer of, an F-35 aircraft to the Re-
7 public of Turkey;

8 (2) to transfer intellectual property or technical
9 data necessary for or related to any maintenance or
10 support of the F-35 aircraft; or

11 (3) to construct a storage facility for, or other-
12 wise facilitate the storage in Turkey of, an F-35 air-
13 craft transferred to Turkey.

14 (b) EXCEPTION.—The President may waive the limi-
15 tation under subsection (a) upon a written certification to
16 Congress that the Government of Turkey does not plan
17 or intend to accept delivery of the S-400 air defense sys-
18 tem.

19 (c) TRANSFER DEFINED.—In this section, the term
20 “transfer” includes the physical relocation outside of the
21 continental United States.

22 (d) APPLICABILITY.—The limitation under sub-
23 section (a) does not apply to F-35 aircraft operated by
24 the United States Armed Forces.

1 **SEC. 9. SENSE OF CONGRESS ON PURCHASE BY TURKEY OF**
2 **S-400 AIR DEFENSE SYSTEM.**

3 It is the sense of Congress that, if the Government
4 of Turkey purchases the S-400 air defense system from
5 the Russian Federation—

6 (1) such a purchase would constitute a signifi-
7 cant transaction within the meaning of section
8 231(a) of the Countering Russian Influence in Eu-
9 rope and Eurasia Act of 2017 (22 U.S.C. 9525(a));

10 (2) such a purchase would endanger the integ-
11 rity and interoperability of the NATO alliance;

12 (3) such a purchase would adversely affect on-
13 going operations of the United States Armed Forces,
14 including coalition operations in which the United
15 States Armed Forces participate;

16 (4) such a purchase would result in a signifi-
17 cant impact to defense cooperation between the
18 United States and Turkey;

19 (5) such a purchase would significantly increase
20 the risk of compromising United States defense sys-
21 tems and operational capabilities; and

22 (6) the Countering Russian Influence in Europe
23 and Eurasia Act of 2017 mandates the imposition of
24 sanctions under section 235 of that Act (22 U.S.C.
25 9529) with respect to any individual or entity deter-

1 mined to have engaged in such a significant trans-
2 action.

3 **SEC. 10. STRATEGY ON UNITED STATES SECURITY AND EN-**
4 **ERGY COOPERATION IN THE EASTERN MEDI-**
5 **TERRANEAN.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of State,
8 in consultation with the Secretary of Defense and the Sec-
9 retary of Energy, shall submit to the appropriate congres-
10 sional committees a strategy on enhanced security and en-
11 ergy cooperation with countries in the Eastern Mediterra-
12 nean region, including Israel, the Republic of Cyprus, and
13 Greece.

14 (b) ELEMENTS.—The report required under sub-
15 section (a) shall include the following elements:

16 (1) A description of United States participation
17 in and support for the Eastern Mediterranean Nat-
18 ural Gas Forum.

19 (2) An evaluation of all possible delivery mecha-
20 nisms into Europe for natural gas discoveries in the
21 Eastern Mediterranean region.

22 (3) An evaluation of efforts to protect energy
23 exploration infrastructure in the region, including in-
24 frastructure owned or operated by United States
25 companies.

1 (1) An assessment of security, political, and en-
2 ergy goals of the Russian Federation in the Eastern
3 Mediterranean.

4 (2) A description of energy projects of the Gov-
5 ernment of the Russian Federation in the Eastern
6 Mediterranean.

7 (3) A listing of Russian national ownership of
8 media outlets in these countries, including the name
9 of the media outlet, approximate viewership, and as-
10 sessment of whether the outlet promotes pro-Krem-
11 lin views.

12 (4) An assessment of military engagement by
13 the Government of the Russian Federation in the se-
14 curity sector, including engagement by military
15 equipment and personnel contractors.

16 (5) An assessment of efforts supported by the
17 Government of the Russian Federation to influence
18 elections in the three countries, through the use of
19 cyber attacks, social media campaigns, or other ma-
20 lign influence techniques.

21 (6) An assessment of efforts by the Government
22 of the Russian Federation to intimidate and influ-
23 ence the decision by His All Holiness Ecumenical
24 Patriarch Bartholomew, leader of 300,000,000 Or-

1 thodox Christians worldwide, to grant autocephaly to
2 the Ukrainian Orthodox Church.

3 (c) FORM.—The report required under subsection (a)
4 shall be submitted in unclassified form, but may contain
5 a classified annex.

6 **SEC. 12. REPORT ON INTERFERENCE BY OTHER COUN-**
7 **TRIES IN THE EXCLUSIVE ECONOMIC ZONE**
8 **OF THE REPUBLIC OF CYPRUS.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Secretary of State,
11 in consultation with the Secretary of Defense and the Sec-
12 retary of Energy, shall submit to the appropriate congres-
13 sional committees a report listing incidents since January
14 1, 2017, determined by the Secretary of State to interfere
15 in efforts by the Republic of Cyprus to explore and exploit
16 natural resources in its Exclusive Economic Zone.

17 (b) FORM.—The report required under subsection (a)
18 shall be submitted in unclassified form, but may contain
19 a classified annex.

20 **SEC. 13. REPORT ON INTERFERENCE BY OTHER COUN-**
21 **TRIES IN THE AIRSPACE OF GREECE.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act, the Secretary of State,
24 in consultation with the Secretary of Defense, shall submit
25 to the appropriate congressional committees a report list-

1 ing incidents since January 1, 2017, determined by the
2 Secretary of State to be violations of the airspace of the
3 sovereign territory of Greece by its neighbors.

4 (b) FORM.—The report required under subsection (a)
5 shall be submitted in unclassified form, but may contain
6 a classified annex.

7 **SEC. 14. APPROPRIATE CONGRESSIONAL COMMITTEES.**

8 In this Act, the term “appropriate congressional com-
9 mittees” means the Committee on Foreign Relations of
10 the Senate and the Committee on Foreign Affairs of the
11 House of Representatives.