

116TH CONGRESS
1ST SESSION

S. 922

To limit the transfer of F–35 aircraft to Turkey.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2019

Mr. LANKFORD (for himself, Mrs. SHAHEEN, Mr. VAN HOLLEN, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To limit the transfer of F–35 aircraft to Turkey.

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 “Protecting NATO
5 Skies Act of 2019”.

6 **SEC. 2. LIMITATION ON TRANSFER OF F–35 AIRCRAFT TO**
7 **TURKEY.**

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

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

4 (2) to transfer intellectual property or technical
5 data necessary for or related to any maintenance or
6 support of the F-35 aircraft; or

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

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

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

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

21 **SEC. 3. SENSE OF THE SENATE ON PURCHASE BY TURKEY**
22 **OF S-400 AIR DEFENSE SYSTEM.**

23 (a) It is the sense of the Senate that, if the Govern-
24 ment of Turkey purchases the S-400 air defense system
25 from the Russian Federation—

1 (1) such a purchase would constitute a signifi-
2 cant transaction within the meaning of section
3 231(a) of the Countering Russian Influence in Eu-
4 rope and Eurasia Act of 2017 (title II of Public Law
5 115–44; 22 U.S.C. 9525(a));

6 (2) such a purchase would endanger the integ-
7 rity of the NATO alliance;

8 (3) such a purchase would adversely affect on-
9 going operations of the United States Armed Forces,
10 including coalition operations in which the United
11 States Armed Forces participate;

12 (4) such a purchase would result in a signifi-
13 cant impact to defense cooperation between the
14 United States and Turkey;

15 (5) such a purchase would significantly increase
16 the risk of compromising United States defense sys-
17 tems and operational capabilities; and

18 (6) the President should faithfully execute the
19 Countering Russian Influence in Europe and Eur-
20 asia Act of 2017 by imposing and applying sanctions
21 under section 235 of that Act (22 U.S.C. 9529) with
22 respect to any individual or entity determined to
23 have engaged in such significant transaction as if

- 1 such person were a sanctioned person for purposes
- 2 of such section.

