

(IV) A description of progress in establishing submarine support facilities capable of hosting rotational forces in western Australia by 2027.

(V) A description of progress made in improving United States submarine production capabilities that will enable the United States to meet—

(aa) its objectives of providing up to five Virginia Class submarines to Australia by the early to mid-2030's; and

(bb) United States submarine production requirements.

(ii) Progress made on Pillar Two of the AUKUS partnership, including the following elements:

(I) An assessment of the efforts of Australia, the United Kingdom, and the United States to enhance collaboration across the following eight trilateral lines of effort:

(aa) Underseas capabilities.

(bb) Quantum technologies.

(cc) Artificial intelligence and autonomy.

(dd) Advanced cyber capabilities.

(ee) Hypersonic and counter-hypersonic capabilities.

(ff) Electronic warfare.

(gg) Innovation.

(hh) Information sharing.

(II) An assessment of any new lines of effort established.

(Pub. L. 118–31, div. A, title XIII, § 1333, Dec. 22, 2023, 137 Stat. 506.)

SUBCHAPTER II—STREAMLINING AND PROTECTING TRANSFERS OF UNITED STATES MILITARY TECHNOLOGY FROM COMPROMISE

§ 10421. Priority for Australia and the United Kingdom in foreign military sales and direct commercial sales

(a) In general

The President shall institute policies and procedures for letters of request from Australia and the United Kingdom to transfer defense articles and services under section 2761 of this title related to AUKUS to receive expedited consideration and processing relative to all other letters of request other than from Taiwan and Ukraine.

(b) Technology transfer policy for Australia, Canada, and the United Kingdom

(1) In general

The Secretary of State, in consultation with the Secretary of Defense, shall create an anticipatory release policy for the transfer of technologies described in paragraph (2) to Australia, the United Kingdom, and Canada through Foreign Military Sales and Direct Commercial Sales that are not covered by an exemption under the International Traffic in Arms Regulations.

(2) Capabilities described

The capabilities described in this paragraph are—

(A) Pillar One-related technologies associated with submarine and associated combat systems; and

(B) Pillar Two-related technologies, including hypersonic missiles, cyber capabilities, artificial intelligence, quantum technologies, undersea capabilities, and other advanced technologies.

(3) Expedited decision-making

Review of a transfer under the policy established under paragraph (1) shall be subject to an expedited decision-making process.

(c) Interagency policy and guidance

The Secretary of State and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to requests for Foreign Military Sales and Direct Commercial Sales, including by incorporating the anticipatory release provisions of this section.

(Pub. L. 118–31, div. A, title XIII, § 1341, Dec. 22, 2023, 137 Stat. 509.)

§ 10422. Identification and pre-clearance of platforms, technologies, and equipment for sale to Australia and the United Kingdom through foreign military sales and direct commercial sales

(a) In general

Not later than 90 days after December 22, 2023, and on a biennial basis thereafter for 8 years, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a list of advanced military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Australia, the United Kingdom and Canada through the Foreign Military Sales and Direct Commercial Sales programs without regard to whether a letter of request or license to purchase such platforms, technologies, or equipment has been received from any of such country.

(b) Additional items

Each list may include items that are not related to the AUKUS partnership but may not include items that are not covered by an exemption under the International Traffic in Arms Regulations except unmanned aerial or hypersonic systems.

(Pub. L. 118–31, div. A, title XIII, § 1342, Dec. 22, 2023, 137 Stat. 509.)

§ 10423. Expedited review of export licenses for exports of advanced technologies to Australia, the United Kingdom, and Canada

(a) In general

Not later than 180 days after December 22, 2023, the Secretary of State, in coordination with the Secretary of Defense, shall initiate a rulemaking to establish an expedited decision-making process, classified or unclassified, for applications to export to Australia, the United Kingdom, and Canada commercial, advanced-technology defense articles and defense services that are not covered by an exemption under the International Traffic in Arms Regulations.

(b) Eligibility

To qualify for the expedited decision-making process described in subsection (a), an applica-

tion shall be for an export of defense articles or defense services that will take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom and the United States and with governments or corporate entities from such countries.

(c) Availability of expedited process

The expedited decision-making process described in subsection (a) shall be available for both classified and unclassified items, and the process must satisfy the following criteria to the extent practicable:

(1) Any licensing application to export defense articles and services that is related to a government to government agreement must be approved, returned, or denied within 30 days of submission.

(2) For all other licensing requests, any review shall be completed not later than 45 calendar days after the date of application.

(Pub. L. 118-31, div. A, title XIII, §1344, Dec. 22, 2023, 137 Stat. 513.)

SUBCHAPTER III—AUKUS SUBMARINE
TRANSFER AUTHORIZATION ACT

§ 10431. Authorization of sales of Virginia Class submarines to Australia

(a) In general

Effective beginning on the date that is one year after December 22, 2023, the President is authorized to transfer up to two Virginia Class submarines from the inventory of the Department of the Navy to the Government of Australia on a sale basis, and transfer not more than one additional Virginia Class submarine to the Government of Australia on a sale basis pursuant to section 21 of the Arms Export Control Act (22 U.S.C. 2761) during the 20-year period beginning on December 22, 2023, to implement the trilateral security partnership between Australia, the United Kingdom, and the United States (in this section referred to as the “AUKUS partnership”).

(b) Provisions of law superseded

The transfer of a vessel authorized under subsection (a) shall not be subject to the requirements of—

- (1) section 36 of the Arms Export Control Act (22 U.S.C. 2776); or
- (2) section 8677 of title 10.

(c) Costs of transfers

Any expense incurred by the United States in connection with a transfer of a vessel authorized under subsection (a) shall be charged to the Government of Australia notwithstanding section 2321j(e) of this title.

(d) Certifications and other requirements

(1) In general

Not later than 270 days prior to the transfer of a vessel authorized under subsection (a), the President shall submit to the appropriate congressional committees and leadership a certification that—

- (A) the transfer of such vessels—
 - (i) will not degrade the United States undersea capabilities;

- (ii) is consistent with United States foreign policy and national security interests; and

- (iii) is in furtherance of the AUKUS partnership;

(B) the United States is making sufficient submarine production and maintenance investments to meet the combination of United States military requirements and the requirements under subparagraph (A);

(C) the Government of Australia has provided the appropriate funds and support for the additional capacity required to meet the requirements identified in this section; and

(D) the Government of Australia has the capability to host and fully operate the vessels authorized to be transferred.

(2) Waiver of chief of naval operations certification

The requirement for the Chief of Naval Operations to make a certification under section 8678 of title 10 shall not apply to the transfer of a vessel authorized under subsection (a).

(3) Required mutual defense agreement

(A) In general

The President may not provide for the transfer of a vessel authorized under subsection (a) unless the United States and Australia have entered into a mutual defense agreement that meets the requirements of subparagraph (B) and such agreement is in effect.

(B) Requirements

A mutual defense agreement meets the requirements described in this subparagraph if the agreement—

- (i) provides a clear legal framework for the sole purpose of Australia’s acquisition of conventionally armed, nuclear-powered submarines; and

- (ii) meets the highest nonproliferation standards for the exchange of nuclear materials, technology, equipment, and information between the United States and Australia.

(4) Subsequent sales

A transfer of vessel that is a Virginia class submarine on a sale basis other than a transfer described in subsection (a) may occur only if such transfer is explicitly authorized pursuant to a law enacted after December 22, 2023.

(e) Crediting of receipts

(1) In general

Notwithstanding any provision of law pertaining to the crediting of amounts received from a sale under the terms of section 21 of the Arms Export Control Act (22 U.S.C. 2761), any receipt of the United States as a result of a transfer of a vessel authorized under subsection (a) shall—

(A) be credited, at the discretion of the President to—

- (i) the appropriation, fund, or account used in incurring the original obligation;
- (ii) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures for the