

Administration of Joseph R. Biden, Jr., 2024

Letter to Congressional Leaders Transmitting the Agreement Among the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation Related to Naval Nuclear Propulsion

August 7, 2024

Dear Mr. Speaker: (Dear Madam President:)

I am pleased to transmit to the Congress, pursuant to section 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(d)) (the "Act"), the text of the Agreement Among the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland (the "United Kingdom") for Cooperation Related to Naval Nuclear Propulsion (the "Agreement"). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement. The joint memorandum submitted to me by the Secretaries of Defense and Energy providing their summary position on the Agreement is also enclosed.

Pursuant to the enhanced trilateral security partnership called "AUKUS" announced in September 2021, our three governments engaged in an 18-month consultation period to seek an Optimal Pathway for Australia to acquire a conventionally armed, nuclear-powered submarine capability at the earliest achievable date. On November 22, 2021, the AUKUS partners signed the Agreement between the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland for the Exchange of Naval Nuclear Propulsion Information (ENNPIA) to permit the three Parties to communicate and exchange Naval Nuclear Propulsion Information (NNPI), including certain Restricted Data (RD), as needed for purposes of consultations on the Optimal Pathway. The ENNPIA entered into force on February 8, 2022, and remains in force until December 31, 2025, unless superseded by a subsequent agreement.

The Agreement, which would supersede the ENNPIA, would permit the continued communication and exchange of NNPI, including certain RD, and would also expand on the cooperation between the governments by enabling the transfer of naval nuclear propulsion plants of conventionally armed, nuclear-powered submarines, including component parts and spare parts thereof, and other related equipment. The Agreement also enables the sale of special nuclear material contained in complete, welded power units, and other material as needed for such naval nuclear propulsion plants. Equipment transferred in accordance with the Agreement could include equipment needed for the research, development, or design of naval nuclear propulsion plants, including their manufacture, operation, maintenance, regulation, and disposal, and could also include training, services, and program support associated with such equipment.

The Agreement includes conditions and guarantees required by the Act; promotes the AUKUS partners' goal of setting the highest nonproliferation standard; protects controlled and classified United States information; prevents further dissemination of information, material, or equipment beyond the jurisdiction of the Parties without United States agreement; and protects United States intellectual property. The Agreement also ensures that the United States and the United Kingdom have sufficient ability to ensure that relevant agreements and arrangements between Australia and the International Atomic Energy Agency set the highest nonproliferation standard, properly protect sensitive information, and are consistent with the Agreement.

The trilateral partners also concluded a non-legally binding Understanding Among the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland (Understanding), which reflects the governments' intended approach to certain articles of the Agreement and provides additional related political commitments. The Understanding would become operative on the date on which the Agreement enters into force.

In my judgment, the Agreement meets all statutory requirements.

I have determined that Australia and the United Kingdom, by participating with the United States pursuant to international arrangements, are making substantial and material contributions to our mutual defense and security. Australia is party to the Australia, New Zealand, and United States Security Treaty (ANZUS), and the United Kingdom is party to the North Atlantic Treaty and participates in the North Atlantic Treaty Organization (NATO). Australia and the United Kingdom continue to be committed to the mutual defense and security provided through ANZUS and NATO, respectively.

I have considered the views and recommendations of the interested departments and agencies and have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Further, I have approved the program outlined in the Agreement and have determined that such program will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement, authorized its execution, and urge that the Congress give it favorable consideration.

Sincerely,

JOSEPH R. BIDEN JR.

NOTE: Identical letters were sent to J. Michael Johnson, Speaker of the House of Representatives, and Kamala D. Harris, President of the Senate. An original was not available for verification of the content of this letter.

Categories: Communications to Congress : Australia and United Kingdom, cooperation with U.S. related to naval nuclear propulsion, letter transmitting agreement.

Subjects: AUKUS trilateral security partnership; Australia, defense cooperation with U.S.; North Atlantic Treaty Organization; United Kingdom, defense cooperation with U.S.

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