

computing device, that is issued by the Department for official use.

“(3) FOREIGN COMMERCIAL SPYWARE; SPYWARE.—The terms ‘foreign commercial spyware’ and ‘spyware’ have the meanings given those terms in section 1102A of the National Security Act of 1947 (50 U.S.C. 3232a).”

“(b) PROTECTION OF COVERED DEVICES.—

“(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary [of State] shall, in consultation with the relevant agencies—

“(A) issue standards, guidance, best practices, and policies for Department [of State] and USAID [United States Agency for International Development] personnel to protect covered devices from being compromised by foreign commercial spyware;

“(B) survey the processes used by the Department and USAID to identify and catalog instances where a covered device was compromised by foreign commercial spyware over the prior 2 years and it is reasonably expected to have resulted in an unauthorized disclosure of sensitive information; and

“(C) submit to the appropriate committees of Congress a report on the measures in place to identify and catalog instances of such compromises for covered devices by foreign commercial spyware, which may be submitted in classified form.

“(2) NOTIFICATIONS.—Not later than 60 days after the date on which the Department becomes aware that a covered device was seriously compromised by foreign commercial spyware, the Secretary, in coordination with relevant agencies, shall notify the appropriate committees of Congress of the facts concerning such targeting or compromise, including—

“(A) the location of the personnel whose covered device was compromised;

“(B) the number of covered devices compromised;

“(C) an assessment by the Secretary of the damage to the national security of the United States resulting from any loss of data or sensitive information; and

“(D) an assessment by the Secretary of any foreign government or foreign organization or entity, and, to the extent possible, the foreign individuals, who directed and benefitted from any information acquired from the compromise.

“(3) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary, in coordination with relevant agencies, shall submit to the appropriate committees of Congress, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report regarding any covered device that was compromised by foreign commercial spyware, including the information described in subparagraphs (A) through (D) of paragraph (2).”

DEFINITIONS

For definitions of “Department”, “Secretary”, and “appropriate congressional committees” as used in this section, see section 6002 of Pub. L. 118–31, set out as a note under section 2651 of this title.

CHAPTER 111—AUSTRALIA, UNITED KINGDOM, AND UNITED STATES (AUKUS) SECURITY PARTNERSHIP

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§ 10401. Definitions

In this chapter:

(1) Appropriate congressional committees

Except as otherwise provided, the term “appropriate congressional committees” means—

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

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

(2) AUKUS partnership

(A) In general

The term “AUKUS partnership” means the enhanced trilateral security partnership between Australia, the United Kingdom, and the United States announced in September 2021.

(B) Pillars

The AUKUS partnership includes the following two pillars:

(i) Pillar One is focused on developing a pathway for Australia to acquire conventionally armed, nuclear-powered submarines.

(ii) Pillar Two is focused on enhancing trilateral collaboration on advanced defense capabilities, including hypersonic and counter hypersonic capabilities, quantum technologies, undersea technologies, and artificial intelligence.

(3) International Traffic in Arms Regulations

The term “International Traffic in Arms Regulations” means subchapter M of chapter I of title 22, Code of Federal Regulations (or successor regulations).

(Pub. L. 118–31, div. A, title XIII, §1321, Dec. 22, 2023, 137 Stat. 501.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 118–31, div. A, title XIII, §1351, Dec. 22, 2023, 137 Stat. 514, provided that: “This part [part 3

(§§ 1351–1354) of subtitle B of title XIII of div. A of Pub. L. 118–31, enacting subchapter III of this title and amending section 8680 of Title 10, Armed Forces] may be cited as the ‘AUKUS Submarine Transfer Authorization Act.’”

SUBCHAPTER I—ADMINISTRATIVE
PROVISIONS

§ 10411. AUKUS partnership oversight and accountability framework

(a) Senior Advisor

(1) Designation

(A) In general

The Secretary of State shall designate a senior advisor at the Department of State (in this section referred to as the “Senior Advisor”), who shall oversee and coordinate the implementation of the AUKUS partnership.

(B) Qualification

The Senior Advisor may be an individual serving within the existing leadership of the Department of State but that individual may not hold any other position concurrently while serving as the Senior Advisor.

(C) Reporting

The Senior Advisor shall report directly to the Secretary of State.

(D) Guidance

The Secretary of State shall issue guidance to all bureaus of the Department of State specifying the Senior Advisor’s responsibility for coordinating the implementation of all AUKUS partnership-related activities.

(2) Duties

The duties of the Senior Advisor shall be to—

(A) coordinate efforts to implement the AUKUS partnership across relevant bureaus, directorates, and offices of the Department of State involved in matters such as arms exports, non-proliferation, deterrence, security assistance, and Indo-Pacific and United Kingdom relations;

(B) serve as the lead within the Department of State on matters relating to the AUKUS partnership in the interagency process;

(C) lead diplomatic efforts related to the AUKUS partnership with other governments to explain how the partnership will enhance security and stability in the Indo-Pacific region; and

(D) consult regularly with the appropriate congressional committees and keep such committees fully and currently informed on all aspects of the AUKUS partnership, to include—

(i) Australia’s acquisition of conventionally armed, nuclear-powered submarines;

(ii) jointly developing advanced military capabilities; and

(iii) any new programs under the AUKUS partnership.

(3) Personnel to support the Senior Advisor

The Secretary of State shall ensure that the Senior Advisor is adequately staffed with re-

spect to the Senior Advisor’s duties described in paragraph (2) through details, or assignment of employees of the Department of State, with expertise consistent with such duties.

(b) Task Force

(1) Establishment

The Secretary of State shall establish a task force, to be known as the Task Force on AUKUS (in this section referred to as the “Task Force”), which—

(A) shall meet regularly to coordinate internally on issues relating to the implementation of the AUKUS partnership; and

(B) shall be led by the Senior Advisor.

(2) Duties

The duties of the Task Force may include—

(A) ensuring that responsible offices maintain a unified list of all defense-related transactions that have taken place under the AUKUS partnership;

(B) ensuring the establishment of a framework for gathering, maintaining, and exchanging information relating to companies, individuals, or entities that are compromising security of military technology, defense articles, and defense services exchanged under the AUKUS partnership; and

(C) establishing an AUKUS industry forum for industry stakeholders, including non-traditional defense contractors (as such term is defined in section 3014 of title 10), that will be open for the participation of foreign industry involved in the AUKUS partnership.

(3) Personnel to support the Task Force

The personnel assigned to support the Senior Advisor under subsection (a)(3) shall also support the Task Force. The Secretary of State may not assign any additional personnel to support the Task Force.

(c) Notification

Not later than 180 days after December 22, 2023, or not later than 90 days after the date on which a senior advisor at the Department of State is designated as the Senior Advisor, whichever occurs earlier, the Secretary of State shall notify the appropriate congressional committees of the number of personnel, relevant expertise of such personnel, and duties of such personnel directly supporting the work of the Senior Advisor and the offices supporting the Task Force.

(d) Report

Not later than 120 days after December 22, 2023, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following:

(1) A detailed description of the planned work of the Senior Advisor and the Task Force on matters related to the implementation of the AUKUS partnership.

(2) For the preceding two calendar years and the current calendar year—

(A) the average and median times for the United States Government to review applications for licenses to export defense articles or defense services to persons, corpora-