

tions, and the governments (including agencies and subdivisions of such governments, including official missions of such governments) of Australia or the United Kingdom;

(B) the average and median times for the United States Government to review applications from Australia and the United Kingdom for foreign military sales beginning from the date Australia or the United Kingdom submitted a letter of request that resulted in a letter of acceptance; and

(C) the number of applications from Australia and the United Kingdom for licenses to export defense articles and defense services that were denied or approved with provisos, listed by year.

(3) For each of the preceding two calendar years, the number of voluntary disclosures resulting in a violation of the International Traffic in Arms Regulations enumerated under section 2780 of this title or involving prescribed countries listed in section 126.1 of the International Traffic in Arms Regulations, by persons, corporations, and the governments (including agencies and subdivisions of such governments, including official missions of such governments) of Australia or the United Kingdom, including information with respect to—

(A) any instance of unauthorized access to technical data or defense articles;

(B) inadequate physical or cyber security;

(C) retransfers or re-exports without authorization; and

(D) employees of foreign companies that are United States persons that provide defense services without authorization.

(e) Annual report

Not later than one year after December 22, 2023, and annually thereafter, the Senior Advisor shall submit to the appropriate congressional committees a report that includes—

(1) a detailed description of any issues that representatives of the United States, the United Kingdom, or Australia have identified that threaten or conflict with the stated goals of the AUKUS partnership and any efforts to resolve these issues;

(2) information on the National Disclosure Policy Committee with respect to adoption of a classification category relating to any anticipatory disclosure policy for Australia and the United Kingdom;

(3) a detailed description of Department of State investigations into violations under section 2778 of this title or related provisions that involve AUKUS partners or entities in the United States, the United Kingdom, and Australia;

(4) details on whether regulatory changes to exemptions authorized under subsection (l) of section 2778 of this title are likely or necessary within the next year; and

(5) an assessment of the change in the average and median Department of State licensing review times for the current reporting year based on the average and median licensing review times from the prior calendar year, including review times across the interagency for export licenses issued to Australia or the United Kingdom.

(f) Sunset

(1) In general

Subject to paragraph (2), the position of the Senior Advisor and the Task Force shall terminate on the date that is 7 years after December 22, 2023.

(2) Renewal

The Secretary of State may renew the position of the Senior Advisor and the Task Force for 1 additional period of 4 years beginning after the date on which the Secretary notifies the appropriate congressional committees of the renewal.

(g) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and Committee on Appropriations of the Senate.

(Pub. L. 118-31, div. A, title XIII, §1331, Dec. 22, 2023, 137 Stat. 502.)

§ 10412. Designation of senior official for Department of Defense activities relating to, and implementation plan for, the AUKUS partnership

(a) Designation of senior official

Not later than 90 days after December 22, 2023, the Secretary of Defense shall designate a senior civilian official of the Department of Defense who shall be responsible for overseeing Department of Defense activities relating to the AUKUS partnership.

(b) Plan

(1) In general

Not later than 90 days after December 22, 2023, the Secretary of Defense, in coordination with the Administrator for Nuclear Security and the Secretary of State, shall submit to the appropriate committees of Congress a report containing an implementation plan outlining Department of Defense efforts relating to the AUKUS partnership.

(2) Elements

The plan required by paragraph (1) shall include the following:

(A) Timelines and major anticipated milestones for the implementation of the AUKUS partnership.

(B) An identification of dependencies of such milestones on defense requirements that are—

(i) unrelated to the AUKUS partnership; and

(ii) solely within the decisionmaking responsibility of Australia or the United Kingdom.

(C) A consideration of the implications of the plan on the industrial base with respect to—

(i) the expansion of existing United States submarine construction capacity to fulfill United States, United Kingdom, and Australia requirements;

(ii) acceleration of the restoration of United States capabilities for producing highly enriched uranium to fuel submarine reactors;

(iii) stabilization of commodity markets and expanding supplies of high-grade steel, construction materials, and other resources required for improving shipyard condition and expanding throughput capacity; and

(iv) coordination and synchronization of industrial sourcing opportunities among Australia, the United Kingdom, and the United States.

(D) A description of resourcing and personnel requirements, including—

(i) a detailed assessment of the feasibility of hiring and retaining additional foreign disclosure officers to facilitate more rapid technology transfer to Australia and the United Kingdom; and

(ii) an assessment of any additional requirements for Department of Defense personnel to support the transfer of defense articles to Australia and the United Kingdom.

(E) A plan for improving information sharing, including—

(i) recommendations for modifications to foreign disclosure policies and processes;

(ii) the promulgation of written information-sharing guidelines or policies to improve information sharing under the AUKUS partnership;

(iii) the establishment of an information handling caveat specific to the AUKUS partnership; and

(iv) the reduction in use of the Not Releasable to Foreign Nations (NOFORN) information handling caveat.

(F) Processes for the protection of privately held intellectual property, including patents.

(G) Recommended updates to other title 10 authorities or regulatory, policy, or process frameworks.

(c) Semiannual updates

Not later than 60 days after the date on which the plan required by subsection (b) is submitted, and semiannually thereafter not later than April 1 and October 1 each year through 2029, the senior civilian official designated under subsection (a) shall provide the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate with a briefing on the status of all Department activities to implement the AUKUS partnership.

(Pub. L. 118–31, div. A, title XIII, §1332, Dec. 22, 2023, 137 Stat. 505.)

Statutory Notes and Related Subsidiaries

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 118–31, set out as a note under section 101 of Title 10, Armed Forces.

§ 10413. Reporting related to the AUKUS partnership

(a) Report on instruments

(1) In general

Not later than 30 days after the signature, conclusion, or other finalization of any non-binding instrument related to the AUKUS partnership, the President shall submit to the appropriate congressional committees the text of such instrument.

(2) Non-duplication of efforts; rule of construction

To the extent the text of a non-binding instrument is submitted to the appropriate congressional committees pursuant to paragraph (1), such text does not need to be submitted to Congress pursuant to section 112b(a)(1)(A)(ii) of title 1, as amended by section 5947 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 3476). Paragraph (1) shall not be construed to relieve the executive branch of any other requirement of section 112b of title 1, as so amended, or any other provision of law.

(3) Definitions

In this subsection:

(A) In general

The term “text”, with respect to a non-binding instrument, includes—

(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the non-binding instrument; and

(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the non-binding instrument.

(B) Contemporaneously and in conjunction with

As used in subparagraph (A), the term “contemporaneously and in conjunction with”—

(i) shall be construed liberally; and

(ii) may not be interpreted to require any action to have occurred simultaneously or on the same day.

(b) Report on AUKUS partnership

(1) In general

Not later than one year after December 22, 2023, and biennially thereafter, the Secretary of State, in coordination with the Secretary of Defense and other appropriate heads of agencies, shall submit to the appropriate congressional committees a report on the AUKUS partnership.

(2) Elements

Each report required under paragraph (1) shall include the following elements: