

(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:

**(A) Strategy**

(i) An identification of the defensive military capability gaps and capacity shortfalls that the AUKUS partnership seeks to offset.

(ii) An explanation of the total cost to the United States associated with Pillar One of the AUKUS partnership.

(iii) A detailed explanation of how enhanced access to the industrial base of Australia is contributing to strengthening the United States strategic position in Asia.

(iv) A detailed explanation of the military and strategic benefit provided by the improved access provided by naval bases of Australia.

(v) A detailed assessment of how Australia's sovereign conventionally armed nuclear attack submarines contribute to United States defense and deterrence objectives in the Indo-Pacific region.

**(B) Implement the AUKUS partnership**

(i) Progress made on achieving the Optimal Pathway established for Australia's development of conventionally armed, nuclear-powered submarines, including the following elements:

(I) A description of progress made by Australia, the United Kingdom, and the United States to conclude an Article 14 arrangement with the International Atomic Energy Agency.

(II) A description of the status of efforts of Australia, the United Kingdom, and the United States to build the supporting infrastructure to base conventionally armed, nuclear-powered attack submarines.

(III) Updates on the efforts by Australia, the United Kingdom, and the United States to train a workforce that can build, sustain, and operate conventionally armed, nuclear-powered attack submarines.

(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.)

**Executive Documents**

DELEGATION OF FUNCTIONS AND AUTHORITIES UNDER SECTIONS 1333, 1342, 1352, and 1353 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024

Memorandum of President of the United States, July 9, 2024, 89 F.R. 57337, provided:

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Energy[, and] the Director of the Office of Management and Budget

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code:

SECTION 1. (a) I hereby delegate to the Secretary of Defense, in consultation with the Secretary of Energy, the functions and authorities vested in the President by section 1352(g) of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31) (the "Act") [22 U.S.C. 10431(g)].

(b) I hereby delegate to the Secretary of Defense, in consultation with the Secretaries of State and Energy, the functions and authorities vested in the President by sections 1352(h)(4), 1352(d)(1), and 1352(e)(2)(A) of the Act.

(c) I hereby delegate the functions and authorities vested in the President by the following provisions of the Act as follows:

(i) to the Secretary of State, in consultation with the Secretaries of Defense and Energy, as appropriate, section 1333 of the Act [22 U.S.C. 10413];

(ii) to the Secretary of State, in consultation with the Secretaries of Defense and Energy, section 1342 of the Act [22 U.S.C. 10422];

(iii) to the Secretary of Defense, in consultation with the Secretary of Energy, section 1352(e)(2)(B) of the Act;

(iv) to the Secretary of Defense, in consultation with the Secretary of Energy, section 1352(e)(2)(C) of the Act;

(v) to the Secretary of Defense, in consultation with the Secretaries of State and Energy, section 1352(i) of the Act; and

(vi) to the Secretary of Defense for funds allocated to the Department of Defense account and to the Secretary of Energy for funds allocated to the Department of Energy account, in coordination with the Director of the Office of Management and Budget, section 1353(d), (h), and (i) of the Act [22 U.S.C. 10432(d), (h), (i)].

SEC. 2. The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum.

SEC. 3. The Secretary of Defense is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

**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