

(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

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 in-

clude 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.)

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authorities vested in the President under this section delegated to Secretary of State, in consultation with Secretaries of Defense and Energy, by Memorandum of President of the United States, §1(c)(ii), July 9, 2024, 89 F.R. 57337, set out in a note under section 10413 of this title.

§ 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 application 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 Aus-