

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4619
OFFERED BY MR. HUIZENGA OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “AUKUS Submarine
3 Transfer Authorization Act”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) The trilateral security partnership between
7 Australia, the United Kingdom, and the United
8 States (in this Act referred to as the “AUKUS part-
9 nership”) provides an opportunity to deepen mari-
10 time cooperation and coordination with two critical
11 allies to promote a free, open, stable and secure
12 Indo-Pacific region.

13 (2) The AUKUS partnership reflects our
14 shared interest in a global rules-based order in
15 which the sovereignty of nation States, including
16 international waters and territorial seas, is re-
17 spected.

1 (3) Underpinned by the 1951 Australia, New
2 Zealand, United States Security Treaty (commonly
3 referred to as the “ANZUS Treaty”), the Australian
4 Defence Force has long played a role in maintaining
5 peace, security, and prosperity in the Indo-Pacific
6 region and has also been a global security partner
7 to the United States in addressing global threats, in-
8 cluding the global war on terrorism.

9 (4) The Australian Government Defence Stra-
10 tegic Review, released on April 24, 2023, recognizes
11 the need for a biennial National Defense Strategy.
12 This Review emphasizes the need for Australian in-
13 frastructure for the sustainment of nuclear-powered
14 submarines through the AUKUS partnership.

15 (5) The AUKUS partnership furthers United
16 States national security interests by ensuring part-
17 ner countries strengthen joint advanced military ca-
18 pabilities to promote global security and stability
19 through enhanced information sharing and techno-
20 logical cooperation.

21 (6) In the September 15, 2021, Joint Leaders
22 Statement, the AUKUS partnership affirmed that it
23 would adhere “to the highest standards for safe-
24 guards, transparency, verification, and accountancy

1 measures to ensure the non-proliferation, safety, and
2 security of nuclear material and technology”.

3 (7) United States arms exports conducted
4 under the Foreign Assistance Act of 1961 (22
5 U.S.C. 2151 et seq.) and the Arms Export Control
6 Act (22 U.S.C. 2751 et seq.)—

7 (A) advance national security and foreign
8 policy interests of the United States; and

9 (B) also support the United States defense
10 industrial base and defense procurements.

11 **SEC. 3. AUTHORIZATION OF SALE OF VIRGINIA CLASS SUB-**
12 **MARINES TO AUSTRALIA.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, the President is authorized to transfer up to
15 two Virginia Class submarines from the inventory of the
16 Department of the Navy to the Government of Australia
17 on a sale basis, during the 15-year period beginning on
18 the date of the enactment of this Act, to implement the
19 AUKUS partnership.

20 (b) COSTS OF TRANSFERS.—Any expense incurred by
21 the United States in connection with a transfer of a vessel
22 authorized under subsection (a) shall be charged to the
23 recipient notwithstanding section 516(e) of the Foreign
24 Assistance Act of 1961 (22 U.S.C. 2321j(e)).

25 (c) REPAIR AND REFURBISHMENT.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of this section, the President shall deter-
3 mine appropriate shipyards in the United States,
4 Australia, or the United Kingdom to perform any re-
5 pair or refurbishment of a United States submarine
6 involved in submarine security activities among
7 members of the AUKUS partnership.

8 (2) PERSONNEL.—Repair or refurbishment de-
9 scribed in paragraph (1) may be carried out by per-
10 sonnel of the United States, the United Kingdom, or
11 Australia in accordance with the international ar-
12 rangements governing submarine security activities
13 under the AUKUS partnership.

14 (d) CERTIFICATION.—

15 (1) IN GENERAL.—Not less than 270 days prior
16 to the transfer of a vessel authorized under sub-
17 section (a), the President shall submit to the appro-
18 priate congressional committees and leadership a
19 certification that—

20 (A) the transfer of such vessels—

21 (i) will not degrade United States un-
22 dersea operational requirements;

23 (ii) is consistent with United States
24 foreign policy and national security inter-
25 ests; and

1 (iii) is in furtherance of the AUKUS
2 partnership;

3 (B) the United States has the industrial
4 capacity to meet and maintain the submarine
5 production requirements needed to support the
6 national security and operational requirements
7 for its submarine fleet;

8 (C) the United States has sufficient stock-
9 piles of highly enriched uranium to meet the
10 needs of the Department of Defense for the
11 next 10 years;

12 (D) the Government of Australia has pro-
13 vided the necessary funds and support for the
14 additional capacity required to meet the United
15 States submarine fleet requirements; and

16 (E) the Government of Australia has the
17 sovereign capability to host and operate the ves-
18 sels authorized to be transferred.

19 (2) JOINT RESOLUTION OF DISAPPROVAL.—

20 (A) IN GENERAL.—The President may not
21 transfer a vessel authorized under subsection
22 (a) if, within the 270-day period prior to the
23 proposed transfer, a joint resolution is enacted
24 into law prohibiting the proposed transfer.

1 (B) SENATE PROCEDURES.—Any joint res-
2 olution described in this paragraph shall be con-
3 sidered in the Senate in accordance with the
4 provision of section 601(b) of the International
5 Security Assistance and Arms Export Control
6 Act of 1976.

7 (C) HOUSE PROCEDURES.—For the pur-
8 pose of expediting the consideration and enact-
9 ment of a joint resolution described in this
10 paragraph, a motion to proceed to the consider-
11 ation of any such joint resolution after it has
12 been reported by the appropriate committee
13 shall be treated as highly privileged in the
14 House of Representatives.

15 (3) NON-APPLICABILITY.—Section 8678 of title
16 10, United States Code, shall not apply with respect
17 to the transfer of vessels authorized under sub-
18 section (a).

19 (e) CREDITING OF RECEIPTS.—

20 (1) IN GENERAL.—Notwithstanding any provi-
21 sion of law pertaining to the crediting of amounts
22 received from a sale under the terms of the Arms
23 Export Control Act (22 U.S.C. 2761), any receipt of
24 the United States as a result of a transfer of vessels
25 authorized under subsection (a) shall—

1 (A) be credited, at the discretion of the
2 Secretary of Defense to—

3 (i) the appropriation, fund, or account
4 used in incurring the original obligation;

5 (ii) an appropriate appropriation,
6 fund, or account currently available for the
7 purposes for which the expenditures were
8 made; or

9 (iii) any other appropriation, fund, or
10 account available for the improvement of
11 the United States submarine industrial
12 base; and

13 (B) remain available for obligation until
14 expended for the same purpose as the appro-
15 priation to which the receipt is credited.

16 (2) REPORT.—Not later than 30 days after the
17 receipt of funds as described in paragraph (1), the
18 Secretary of Defense, in coordination with the Sec-
19 retary of State and the Administrator of the Na-
20 tional Nuclear Security Administration, shall submit
21 to the appropriate congressional committees and
22 leadership a report on the matters described in sub-
23 paragraphs (A) and (B) of paragraph (1).

1 (f) APPLICABILITY OF EXISTING LAW TO TRANSFER
2 OF SPECIAL NUCLEAR MATERIAL AND UTILIZATION FA-
3 CILITIES FOR MILITARY APPLICATIONS.—

4 (1) IN GENERAL.—With respect to any special
5 nuclear material for use in utilization facilities or
6 any portion of a vessel transferred under subsection
7 (a) constituting utilization facilities for military ap-
8 plications under section 91 of the Atomic Energy
9 Act of 1954 (42 U.S.C. 2121), the transfer of such
10 material or such facilities shall only occur in accord-
11 ance with such section 91.

12 (2) USE OF FUNDS.—The Administrator of the
13 National Nuclear Security Administration may use
14 proceeds from a transfer described in subparagraph
15 (1) for the acquisition of submarine naval nuclear
16 propulsion plants and the nuclear fuel to replace the
17 propulsion plants and fuel transferred to the Gov-
18 ernment of Australia.

19 (g) TRANSFER OR EXPORT OF DEFENSE SERV-
20 ICES.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, the President may transfer or au-
23 thorize the export of defense services (as such term
24 is defined in section 47 of the Arms Export Control
25 Act (22 U.S.C. 2794)) to the Government of Aus-

1 tralia and the Government of the United Kingdom
2 in support of a transfer of vessels authorized under
3 subsection (a).

4 (2) AUTHORITY TO EXPORT TO AUSTRALIAN
5 AND UNITED KINGDOM PRIVATE-SECTOR PER-
6 SONNEL.—The transfer or export of defense services
7 under this subsection may be directly exported to
8 private-sector personnel of Australia or to private-
9 sector personnel of the United Kingdom to support
10 the development of the Australian submarine indus-
11 trial base necessary for submarine security activities
12 between members of the AUKUS partnership, in-
13 cluding in the case in which such private-sector per-
14 sonnel are not officers, employees, or agents of the
15 Government of Australia or the Government of the
16 United Kingdom in accordance with the require-
17 ments of the Arms Export Control Act (22 U.S.C.
18 2751 et seq.).

19 (h) REPORT.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act and an-
22 nually thereafter for 15 years, the Secretary of De-
23 fense, in coordination with the Secretary of State
24 and the Administrator of the National Nuclear Secu-
25 rity Administration, shall submit to the appropriate

1 congressional committees and leadership a report de-
2 scribing the status of—

3 (A) the transfer of vessels authorized
4 under subsection (a);

5 (B) the implementation of submarine secu-
6 rity cooperation under the AUKUS partnership
7 and challenges towards its implementation;

8 (C) expansion of the public and private
9 Virginia class submarine production and repair
10 facilities, to include proposed work conducted in
11 Australia and the United Kingdom to meet the
12 additional work required by commitments under
13 the AUKUS partnership;

14 (D) the Integrated Master Schedules for
15 Virginia and Columbia production over the next
16 15 years, to include the total number of nuclear
17 powered attack submarines and nuclear pow-
18 ered ballistic missile submarines the Depart-
19 ment of Defense plans to procure;

20 (E) whether 12 nuclear powered ballistic
21 missile submarines is sufficient to meet the re-
22 quirements of the United States Strategic Com-
23 mand or whether additional nuclear powered
24 ballistic missile submarines will be required;

1 (F) a list of transfers or exports of defense
2 services authorized under subsection (g) and
3 the private-sector personnel of Australia or the
4 private-sector personnel of the United Kingdom
5 to whom the defense services were exported;
6 and

7 (G) bilateral or trilateral agreements be-
8 tween countries of the AUKUS partnership rel-
9 evant to the transfer of vessels authorized
10 under subsection (a).

11 (2) FORM.—The report required by this sub-
12 section shall be submitted in classified form.

13 (i) APPROPRIATE CONGRESSIONAL COMMITTEES AND
14 LEADERSHIP DEFINED.—In this section, the term “ap-
15 propriate congressional committees and leadership”
16 means—

17 (1) the Speaker of the House of Representa-
18 tives and the Committee on Foreign Affairs, the
19 Committee on Armed Services, and the Committee
20 on Appropriations of the House of Representatives;
21 and

22 (2) the majority leader of the Senate and the
23 Committee on Armed Services, the Committee on
24 Foreign Relations, and the Committee on Appropria-
25 tions of the Senate.

1 **SEC. 4. ACCEPTANCE OF CONTRIBUTIONS IN SUPPORT OF**
2 **AUSTRALIA, UNITED KINGDOM, AND UNITED**
3 **STATES SUBMARINE SECURITY ACTIVITIES.**

4 (a) IN GENERAL.—Chapter 155 of title 10, United
5 States Code, is amended by inserting after section 2608
6 the following:

7 **“§ 2609. Acceptance of contributions for Australia,**
8 **United Kingdom, and United States sub-**
9 **marine security activities; Submarine Se-**
10 **curity Activities Account**

11 “(a) ACCEPTANCE AUTHORITY.—The Secretary of
12 Defense may accept from the Government of Australia
13 contributions of money made by the Government of Aus-
14 tralia for use by the Department of Defense in support
15 of non-nuclear related aspects of submarine security ac-
16 tivities between Australia, the United Kingdom, and the
17 United States (in this section referred to as ‘AUKUS’).

18 “(b) ESTABLISHMENT OF SUBMARINE SECURITY AC-
19 TIVITIES ACCOUNT.—(1) There is established in the
20 Treasury of the United States a special account to be
21 known as the ‘Submarine Security Activities Account’.

22 “(2) Contributions of money accepted by the Sec-
23 retary of Defense under subsection (a) shall be credited
24 to the Submarine Security Activities Account.

1 “(c) USE OF THE SUBMARINE SECURITY ACTIVITIES
2 ACCOUNT.—(1) The Secretary of Defense may use funds
3 in the Submarine Security Activities Account—

4 “(A) for any purpose authorized by law that the
5 Secretary determines would support AUKUS sub-
6 marine security activities; or

7 “(B) to carry out a military construction
8 project that is consistent with the purposes for
9 which the contributions were made and is not other-
10 wise authorized by law.

11 “(2) Funds in the Submarine Security Activities Ac-
12 count may be used as described in this subsection without
13 further specific authorization in law.

14 “(d) TRANSFERS OF FUNDS.—(1) In carrying out
15 subsection (c), the Secretary of Defense may transfer
16 funds available in the Submarine Security Activities Ac-
17 count to appropriations available to the Department of
18 Defense.

19 “(2) In carrying out subsection (c), and in accordance
20 with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et
21 seq.), the Secretary of Defense may transfer funds avail-
22 able in the Submarine Security Activities Account to ap-
23 propriations or funds of the Department of Energy avail-
24 able to carry out activities related to AUKUS submarine
25 security activities.

1 “(3) Funds transferred under this subsection shall be
2 available for obligation for the same time period and for
3 the same purpose as the appropriation to which trans-
4 ferred.

5 “(4) Upon a determination by the Secretary that all
6 or part of the funds transferred from the Submarine Secu-
7 rity Activities Account are not necessary for the purposes
8 for which such funds were transferred, all or such part
9 of such funds shall be transferred back to the Submarine
10 Security Activities Account.

11 “(e) INVESTMENT OF MONEY.—(1) Upon request by
12 the Secretary of Defense, the Secretary of the Treasury
13 may invest money in the Submarine Security Activities Ac-
14 count in securities of the United States or in securities
15 guaranteed as to principal and interest by the United
16 States.

17 “(2) Any interest or other income that accrues from
18 investment in securities referred to in paragraph (1) shall
19 be deposited to the credit of the Submarine Security Ac-
20 tivities Account.

21 “(f) REPORT.—(1) Not later than 60 days after the
22 date on which contributions of money accepted by the Sec-
23 retary of Defense under subsection (a) are credited to the
24 Submarine Security Activities Account under subsection

1 (b), the Secretary of Defense shall submit to the appro-
2 priate congressional committees a report on—

3 “(A) the amount of money so transferred;

4 “(B) a description of the intended use of the
5 funds; and

6 “(C) any other matters related to the adminis-
7 tration of the Submarine Security Activities Account
8 as determined necessary by the Secretary.

9 “(2) The report required by this subsection shall be
10 submitted in unclassified form but may include a classified
11 annex.

12 “(3) In this subsection, the term ‘appropriate con-
13 gressional committees’ means—

14 “(A) the congressional defense committees; and

15 “(B) the Committee on Foreign Affairs of the
16 House of Representatives and the Committee on
17 Foreign Relations of the Senate.

18 “(g) RELATIONSHIP TO OTHER LAWS.—The author-
19 ity to accept or transfer funds under this section is in ad-
20 dition to any other authority to accept or transfer funds.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 2608 the following:

“2609. Acceptance of contributions for Australia, United Kingdom, and United
States submarine security activities; Submarine Security Ac-
tivities Account.”.

