

118TH CONGRESS  
1ST SESSION

# H. R. 1093

To direct the Secretary of State to submit to Congress a report on implementation of the advanced capabilities pillar of the trilateral security partnership between Australia, the United Kingdom, and the United States.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2023

Mr. McCAUL (for himself and Mr. MEEKS) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To direct the Secretary of State to submit to Congress a report on implementation of the advanced capabilities pillar of the trilateral security partnership between Australia, the United Kingdom, and the United States.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. IMPLEMENTATION OF THE ADVANCED CAPA-**  
2 **BILITIES PILLAR OF THE TRILATERAL SECU-**  
3 **RITY PARTNERSHIP BETWEEN AUSTRALIA,**  
4 **THE UNITED KINGDOM, AND THE UNITED**  
5 **STATES.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that—

8 (1) the enhanced trilateral security partnership  
9 between Australia, the United Kingdom, and the  
10 United States (in this section referred to as the  
11 “AUKUS partnership”) is intended to positively  
12 contribute to peace and stability in the Indo-Pacific  
13 region through enhanced deterrence;

14 (2) to this end, implementation of the AUKUS  
15 partnership will require a whole-of-government re-  
16 view of processes and procedures for Australia, the  
17 United Kingdom, and the United States to benefit  
18 from such partnership and, in particular, to support  
19 joint development of advanced capabilities;

20 (3) the Department of State plays a pivotal role  
21 in the administration of arms exports and sales pro-  
22 grams under the Foreign Assistance Act of 1961 (22  
23 U.S.C. 2151 et seq.) and the Arms Export Control  
24 Act (22 U.S.C. 2751 et seq.);

25 (4) the Department of State should work in co-  
26 ordination with the Department of Defense and

1 other relevant United States Government agencies to  
2 seek to expeditiously implement the AUKUS part-  
3 nership; and

4 (5) the Department of State, in coordination  
5 with the Department of Defense, should clearly com-  
6 municate any United States requirements to address  
7 matters related to the technology security and export  
8 control measures of Australia and the United King-  
9 dom.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 90 days after  
12 the date of the enactment of this Act, the Secretary  
13 of State, in coordination with the Secretary of De-  
14 fense, shall submit to the appropriate congressional  
15 committees a report on efforts of the Department of  
16 State to implement the advanced capabilities pillar  
17 of the AUKUS partnership.

18 (2) MATTERS TO BE INCLUDED.—The report  
19 required by paragraph (1) shall include the fol-  
20 lowing:

21 (A) For each of the calendar years 2021  
22 and 2022—

23 (i) the average and median times for  
24 the United States Government to review  
25 applications for licenses to export defense

1 articles or defense services to persons, cor-  
2 porations, and the governments (including  
3 agencies and subdivisions of such govern-  
4 ments, including official missions of such  
5 governments) of Australia or the United  
6 Kingdom;

7 (ii) the average and median times for  
8 the United States Government to review  
9 applications from Australia and the United  
10 Kingdom for foreign military sales begin-  
11 ning from the date Australia or the United  
12 Kingdom submitted a letter of request that  
13 resulted in a letter of acceptance with; and

14 (iii) the number of applications from  
15 Australia and the United Kingdom for li-  
16 censes to export defense articles and de-  
17 fense services that were denied or approved  
18 with provisos, listed by year.

19 (B) For each of the fiscal years 2017,  
20 2018, 2019, 2020, 2021, and 2022, the number  
21 of voluntary disclosures resulting in a violation  
22 of the International Traffic in Arms Regula-  
23 tions (ITAR) enumerated under section 40 of  
24 the Arms Export Control Act (22 U.S.C. 2780)  
25 or involving proscribed countries listed in sec-

1           tion 126.1 of the ITAR, by persons, corpora-  
2           tions, and the governments (including agencies  
3           and subdivisions of such governments, including  
4           official missions of such governments) of Aus-  
5           tralia or the United Kingdom, including infor-  
6           mation with respect to—

7                   (i) any instance of unauthorized ac-  
8                   cess to technical data or defense articles;

9                   (ii) inadequate physical or cyber secu-  
10                  rity;

11                  (iii) retransfers or re-exports without  
12                  authorization; and

13                  (iv) employees of foreign companies  
14                  that are United States persons that pro-  
15                  vide defense services without authorization.

16           (C) The value of any civil penalties as-  
17           sessed from 2017 to 2022 for disclosures or vio-  
18           lations described in subparagraph (B) on  
19           United States applicants that involved foreign  
20           persons, foreign corporations, and foreign gov-  
21           ernments in the United Kingdom or Australia.

22           (D) A list of relevant United States laws,  
23           regulations, and treaties and other international  
24           agreements to which the United States is a  
25           party that govern authorizations to export de-

1           fense articles or defense services that are re-  
2           quired to implement the AUKUS partnership.

3           (E) An assessment of key recommenda-  
4           tions the United States Government has pro-  
5           vided to the governments of Australia and the  
6           United Kingdom to revise laws, regulations, and  
7           policies of such countries that are required to  
8           implement the AUKUS partnership.

9           (F) An assessment of recommended im-  
10          provements to export control laws and regula-  
11          tions of Australia, the United Kingdom, and the  
12          United States that such countries should make  
13          to implement the AUKUS partnership and to  
14          otherwise meet the requirements of section  
15          38(j)(2) of the Arms Export Control Act (22  
16          U.S.C. 2778(j)(2)), and the challenges Aus-  
17          tralia and the United Kingdom have conveyed  
18          in meeting these requirements including with  
19          respect to sensitive defense technology security  
20          controls.

21          (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
22          FINED.—In this section, the term “appropriate congres-  
23          sional committees” means—

1           (1) the Committee on Foreign Affairs and the  
2           Committee on Armed Services of the House of Rep-  
3           resentatives; and

4           (2) the Committee on Foreign Relations and  
5           the Committee on Armed Services of the Senate.

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