

**AMENDMENT TO RULES COMM. PRINT 118–10**

**OFFERED BY MR. MEEKS OF NEW YORK**

At the end of title XIII, add the following:

1           **Subtitle C—AUKUS Undersea**  
2                                   **Defense Act**

3 **SEC. 1321. SHORT TITLE.**

4           This subtitle may be cited as the “AUKUS Undersea  
5 Defense Act”.

6 **SEC. 1322. FINDINGS.**

7           Congress finds the following:

8                   (1) The new trilateral security partnership be-  
9                   tween 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) This trilateral security partnership builds  
15                   on and enhances the United States, Australia, and  
16                   the United Kingdom’s commitment to a free and  
17                   open Indo-Pacific, and more broadly to a rules-based  
18                   international order.

19                   (3) Australia has a strong record of leadership  
20                   in the international nuclear non-proliferation regime

1 and is fully committed to responsible stewardship of  
2 naval nuclear propulsion technology.

3 (4) Pillar 1 of the AUKUS partnership aims to  
4 provide Australia with a conventionally-armed, nu-  
5 clear-powered submarine capability while upholding  
6 the highest non-proliferation standards.

7 (5) In support of this Pillar 1 goal, the United  
8 States and the United Kingdom plan to increase  
9 port visits to Australia of conventionally-armed, nu-  
10 clear-powered submarines then begin forward rota-  
11 tions of such submarines to Australia at Submarine  
12 Rotational Force-West.

13 (6) In support of these goals, the United States  
14 will transfer Virginia-class submarines to Australia  
15 to bolster its critical undersea capabilities and en-  
16 hance its undersea presence in the Indo-Pacific re-  
17 gion.

18 (7) Pillar 1 of the AUKUS partnership will en-  
19 hance all three nations' defense industrial capacity  
20 to produce and sustain interoperable nuclear-pow-  
21 ered submarines, expand collective undersea pres-  
22 ence in the Indo-Pacific, and contribute to freedom  
23 of navigation, security, and stability in the Indo-Pa-  
24 cific region.

1           (8) Trilateral security cooperation that  
2           strengthens joint capabilities, enhances the ability to  
3           share information and technology safely, and inte-  
4           grates defense industrial bases and supply chains  
5           will contribute to the security of each nation as well  
6           as peace and stability in the Indo-Pacific region.

7 **SEC. 1323. AUSTRALIA, UNITED KINGDOM, AND UNITED**  
8           **STATES SUBMARINE SECURITY ACTIVITIES.**

9           (a) AUTHORIZATION TO TRANSFER SUBMARINES.—

10           (1) IN GENERAL.—Subject to paragraph (6),  
11           the President may transfer not more than two Vir-  
12           ginia class submarines from the inventory of the  
13           Navy to the Government of Australia on a sale basis  
14           under section 21 of the Arms Export Control Act  
15           (22 U.S.C. 2761).

16           (2) COSTS OF TRANSFER.—Any expense in-  
17           curred by the United States in connection with the  
18           transfer authorized by this subsection shall be  
19           charged to the Government of Australia.

20           (3) WAIVER OF CERTIFICATION REQUIRE-  
21           MENT.—The requirement for the Chief of Naval Op-  
22           erations to make a certification under section 8678  
23           of title 10, United States Code, shall not apply to  
24           a transfer under this subsection.

1           (4) USE OF FUNDS.—The Secretary of the  
2 Navy may use the proceeds of a transfer under this  
3 subsection—

4           (A) for the acquisition of vessels to replace  
5 the vessels transferred to the Government of  
6 Australia; or

7           (B) to carry out any other authority the  
8 use of which the Secretary of the Navy deter-  
9 mines would improve the submarine industrial  
10 base.

11          (5) CREDITING OF RECEIPTS.—Notwith-  
12 standing any provision of law pertaining to the cred-  
13 iting of amounts received from a sale under the  
14 terms of the Arms Export Control Act (22 U.S.C.  
15 2761), any receipt of the United States as a result  
16 of a transfer under this section shall—

17           (A) be credited, at the discretion of the  
18 Secretary of the Navy to—

19           (i) the appropriation, fund, or account  
20 used in incurring the original obligation;

21           (ii) an appropriate appropriation,  
22 fund, or account currently available for the  
23 purposes for which the expenditures were  
24 made; or

1 (iii) any other appropriation, fund, or  
2 account available for the purpose specified  
3 in paragraph (4)(B); and

4 (B) remain available for obligation until  
5 expended for the same purpose as the appro-  
6 priation to which the receipt is credited.

7 (6) APPLICABILITY OF EXISTING LAW TO  
8 TRANSFER SPECIAL NUCLEAR MATERIAL AND UTILI-  
9 ZATION FACILITIES FOR MILITARY APPLICATIONS.—

10 (A) IN GENERAL.—With respect to any  
11 special nuclear material for use in utilization fa-  
12 cilities or any portion of a vessel transferred  
13 under this subsection constituting utilization fa-  
14 cilities for military applications under section  
15 91 of the Atomic Energy Act of 1954 (42  
16 U.S.C. 2121), transfer of such material or such  
17 facilities shall only occur in accordance with  
18 such section 91.

19 (B) USE OF FUNDS.—The Secretary of  
20 Energy may use proceeds from a transfer de-  
21 scribed in subparagraph (A) for the acquisition  
22 of submarine naval nuclear propulsion plants  
23 and the nuclear fuel to replace the propulsion  
24 plants and fuel transferred to the Government  
25 of Australia.

1           (b) REPAIR AND REFURBISHMENT OF AUKUS SUB-  
2 MARINES.—Section 8680 of title 10, United States Code,  
3 is amended—

4           (1) by redesignating subsection (c) as sub-  
5 section (d); and

6           (2) by inserting after subsection (b) the fol-  
7 lowing:

8           “(c) REPAIR AND REFURBISHMENT OF CERTAIN  
9 SUBMARINES.—(1) Notwithstanding any other provision  
10 of this section, the Secretary of the Navy shall determine  
11 the appropriate shipyard in the United States, Australia,  
12 or the United Kingdom to perform any repair or refurbish-  
13 ment of a United States submarine involved in submarine  
14 security activities between Australia, the United Kingdom,  
15 and the United States (in this section referred to as  
16 ‘AUKUS’).

17           “(2) Repair or refurbishment described in paragraph  
18 (1) may be carried out by personnel of the United States,  
19 United Kingdom, or Australia in accordance with the  
20 international arrangements governing AUKUS submarine  
21 security activities.”.

1 **SEC. 1324. ACCEPTANCE OF CONTRIBUTIONS IN SUPPORT**  
2 **OF AUSTRALIA, UNITED KINGDOM, AND**  
3 **UNITED STATES SUBMARINE SECURITY AC-**  
4 **TIVITIES.**

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

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

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

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

23 “(2) Contributions of money accepted by the Sec-  
24 retary of Defense under subsection (a) shall be credited  
25 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.”.

1 **SEC. 1325. AUSTRALIA, UNITED KINGDOM, AND UNITED**  
2 **STATES SUBMARINE SECURITY TRAINING.**

3 (a) IN GENERAL.—The President may transfer or  
4 authorize the export of defense services to the Government  
5 of Australia under the Arms Export Control Act (22  
6 U.S.C. 2751 et seq.) that may also be directly exported  
7 to Australian private-sector personnel to support the de-  
8 velopment of the Australian submarine industrial base  
9 necessary for submarine security activities between Aus-  
10 tralia, the United Kingdom, and the United States (in this  
11 section referred to as “AUKUS”), including in cases in  
12 which such private-sector personnel are not officers, em-  
13 ployees, or agents of the Government of Australia.

14 (b) APPLICATION OF REQUIREMENTS FOR FURTHER  
15 TRANSFER.—Any transfer of defense services to the Gov-  
16 ernment of Australia pursuant to subsection (a) to persons  
17 other than those directly provided such defense services  
18 pursuant to subsection (a) shall only be made in accord-  
19 ance with the requirements of the Arms Export Control  
20 Act (22 U.S.C. 2751 et seq.).

21 **SEC. 1326. AUSTRALIA, UNITED KINGDOM, AND UNITED**  
22 **STATES DEFENSE TRADE PARTNERSHIP.**

23 Section 38 of the Arms Export Control Act of 1976  
24 (22 U.S.C. 2778) is amended by adding at the end the  
25 following new subsection:

1       “(1) AUSTRALIA, UNITED KINGDOM, AND UNITED  
2 STATES DEFENSE TRADE COOPERATION.—

3               “(1) EXEMPTION FROM LICENSING AND AP-  
4 PROVAL REQUIREMENTS.—Subject to paragraph (2)  
5 and notwithstanding any other provision of this sec-  
6 tion, the Secretary of State may exempt from the li-  
7 censing or other approval requirements of this sec-  
8 tion exports and transfers (including reexports, re-  
9 transfers, temporary imports, and brokering activi-  
10 ties) of defense articles and defense services between  
11 or among the United States, the United Kingdom,  
12 and Australia that—

13               “(A) are not excluded by those countries;

14               “(B) are not referred to in subsection  
15 (j)(1)(C)(ii); and

16               “(C) involve only entities that are approved  
17 by relevant authorities within those countries.

18       “(2) REQUIRED STANDARDS OF EXPORT CON-  
19 TROLS.—The Secretary of State may only exercise  
20 the authority under paragraph (1) with respect to  
21 the United Kingdom or Australia after the Secretary  
22 submits to Congress a certification that the country  
23 concerned has implemented standards for a system  
24 of export controls that satisfies the elements of sub-  
25 section (j)(2)(A) for defense articles and defense

1 services, and for controlling the provision of military  
2 training, that are at least comparable to those ad-  
3 ministered by the United States.

4 “(3) REEXPORTS AND RETRANSFERS.—

5 “(A) EXEMPTION FROM CERTAIN CERTIFI-  
6 CATION REQUIREMENTS.—Paragraphs (1)  
7 through (3) of section 3(d) shall not apply to  
8 transfers (including transfers of United States  
9 Government sales or grants, or commercial ex-  
10 ports authorized under this chapter) among the  
11 United States, the United Kingdom, or Aus-  
12 tralia described in paragraph (1).

13 “(B) REPORTS OF TRANSFERS.—The Sec-  
14 retary of State shall require all transfers that  
15 would be subject to the requirements of para-  
16 graphs (1) through (3) of section 3(d) but for  
17 the application of subparagraph (A) of this  
18 paragraph to be reported to the Secretary on a  
19 quarterly basis.”.

