

118TH CONGRESS
1ST SESSION

H. R. 4715

To amend the Arms Export Control Act in support of the United Kingdom and the AUKUS partnership.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2023

Mr. KEAN of New Jersey (for himself, Mr. McCAUL, Mrs. KIM of California, and Mr. HUIZENGA) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Arms Export Control Act in support of the United Kingdom and the AUKUS partnership.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bilateral Resilience
5 in Industry Trade Security Act” or the “BRITS Act”.

1 **SEC. 2. EXCEPTIONS FOR THE UNITED KINGDOM RELATING**
2 **TO LICENSING OF DEFENSE ARTICLES AND**
3 **DEFENSE SERVICES FOR EXPORT UNDER**
4 **THE ARMS EXPORT CONTROL ACT.**

5 (a) IN GENERAL.—Section 38(j)(1) of the Arms Ex-
6 port Control Act (22 U.S.C. 2778(j)(1)) is amended—

7 (1) by redesignating subparagraph (C) as sub-
8 paragraph (D); and

9 (2) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) EXCEPTIONS FOR THE UNITED KING-
12 DOM.—

13 “(i) IN GENERAL.—Subject to clause
14 (iii), the requirement to conclude a bilat-
15 eral agreement in accordance with sub-
16 paragraph (A) shall not apply with respect
17 to an exemption for the United Kingdom
18 from the licensing requirements of this Act
19 for the export of defense articles or defense
20 services that is issued in furtherance of or
21 in connection with the multilateral cooper-
22 ative partnership between Australia, the
23 United Kingdom, and the United States
24 announced on September 21, 2021.

25 “(ii) RELATING TO OTHER LICENSING
26 AND APPROVAL REQUIREMENTS.—Notwith-

1 standing any other provision of this section
2 (other than clause (iii)), the President
3 shall exempt from the licensing or other
4 approval requirements of this section ex-
5 ports and transfers (including reexports,
6 retransfers, temporary imports, and
7 brokering activities) of defense articles or
8 defense services between the United States,
9 Australia, and the United Kingdom.

10 “(iii) JOINT RESOLUTION OF DIS-
11 APPROVAL.—

12 “(I) IN GENERAL.—No exemp-
13 tion described in clause (i) or (ii) may
14 be made if Congress enacts a joint
15 resolution disapproving of the exemp-
16 tion.

17 “(II) CONSIDERATION IN SEN-
18 ATE.—Any joint resolution under this
19 clause shall be considered in the Sen-
20 ate in accordance with the provision
21 of section 601(b) of the International
22 Security Assistance and Arms Export
23 Control Act of 1976.

24 “(III) CONSIDERATION IN THE
25 HOUSE OF REPRESENTATIVES.—For

1 the purpose of expediting the consid-
2 eration and enactment of any joint
3 resolution under this clause, a motion
4 to proceed to the consideration of any
5 such joint resolution after it has been
6 reported by the appropriate committee
7 shall be treated as highly privileged in
8 the House of Representatives.

9 “(iv) INAPPLICABILITY OF CERTAIN
10 CERTIFICATION REQUIREMENTS.—

11 “(I) IN GENERAL.—Paragraphs
12 (1) through (3) of section 3(d) shall
13 not apply to transfers (including
14 transfers of United States Govern-
15 ment sales or grants, or commercial
16 exports authorized under this chapter)
17 of defense articles or defense services
18 to the United Kingdom.

19 “(II) REPORT.—The President
20 shall submit to the Speaker of the
21 House of Representatives, the Com-
22 mittee on Foreign Affairs of the
23 House of Representatives, and the
24 Committee on Foreign Relations of
25 the Senate on a semiannual basis a

1 report on all transfers that would be
2 subject to the requirements of para-
3 graphs (1) and (2) of section 3(d) but
4 for the application of subclause (I),
5 except for marketing or brokering ac-
6 tivities, temporary imports, or amend-
7 ments to existing marketing or
8 brokering licenses. Any such report
9 shall contain all of the information re-
10 quired to be contained in certifications
11 issued pursuant to section 3(d)(1) for
12 each transfer identified.

13 “(v) AUKUS TRANSFER REPORTING
14 REQUIREMENTS.—Any United States per-
15 son transferring a defense item between or
16 among the United States, the United
17 Kingdom, and Australia that would have
18 required a license under this section but
19 for an exemption issued pursuant to clause
20 (i) or (ii) of this subsection shall report
21 that transfer to the Secretary no later than
22 90 days after the transfer occurs.”.

23 (b) MODIFICATION OF EXCEPTION FOR DEFENSE
24 TRADE COOPERATION TREATIES.—Subparagraph (D) of
25 section 38(j)(1) of the Arms Export Control Act (22

1 U.S.C. 2778(j)(1)), as so redesignated by subsection
2 (a)(1), is further amended—

3 (1) by striking “(D) EXCEPTION” and all that
4 follows through “(i) IN GENERAL.—The” and insert-
5 ing “(D) EXCEPTION FOR DEFENSE TRADE CO-
6 OPERATION TREATIES.—The”;

7 (2) by striking “(I) The Treaty” and inserting
8 the following:

9 “(i) The Treaty”;

10 (3) by striking “(II) The Treaty” and inserting
11 the following:

12 “(ii) The Treaty”; and

13 (4) by striking clause (ii) at the end.

14 (c) ADVANCE CERTIFICATION.—Paragraph (3) of
15 section 38(j) of the Arms Export Control Act (22 U.S.C.
16 2778(j)) is amended by inserting after “export of defense
17 items” the following: “subject to the requirements of para-
18 graph (1)(A)”.

19 **SEC. 3. MODIFICATIONS OF CIVIL AND CRIMINAL PEN-**
20 **ALTIES UNDER SECTIONS 38 AND 39 OF THE**
21 **ARMS EXPORT CONTROL ACT.**

22 Subsection (c) of section 38 of the Arms Export Con-
23 trol Act (22 U.S.C. 2778(c)) is amended—

24 (1) by striking “\$1,000,000” and inserting
25 “\$5,000,000”; and

1 (2) by striking “20 years” and inserting “25
2 years”.

3 **SEC. 4. EFFECTIVE DATE.**

4 The amendments made by sections 2 and 3 shall take
5 effect on the date that is 180 days after the date of the
6 enactment of this Act.

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