

118TH CONGRESS
1ST SESSION

H. R. 3857

To amend the Arms Export Control Act to provide to the United Kingdom an exemption for licensing of defense items for export in the absence of a relevant bilateral agreement.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2023

Mr. GREEN of Tennessee introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Arms Export Control Act to provide to the United Kingdom an exemption for licensing of defense items for export in the absence of a relevant bilateral agreement.

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 “Special Relationship
5 Military Improvement Act of 2023”.

6 **SEC. 2. EXEMPTION.**

7 Section 38 of the Arms Export Control Act (22
8 U.S.C. 2778) is amended—

1 (1) in subsection (f)(3), by inserting “or the
2 United Kingdom” after “Canada”; and

3 (2) in subsection (j)(1), by striking subpara-
4 graph (C) and inserting after subparagraph (B) the
5 following new subparagraphs:

6 “(C) EXCEPTION FOR THE UNITED KING-
7 DOM.—The requirement to conclude a bilateral
8 agreement in accordance with subparagraph (A)
9 shall not apply with respect to an exemption for
10 the United Kingdom from the licensing require-
11 ments of this chapter for the export of defense
12 items.

13 “(D) EXCEPTION FOR DEFENSE COOPERA-
14 TION TREATIES.—The requirement to conclude
15 a bilateral agreement in accordance with sub-
16 paragraph (A) shall not apply with respect to
17 an exemption from the licensing requirements
18 of this chapter for the export of defense items
19 to give effect to the Treaty Between the Gov-
20 ernment of the United States of America and
21 the Government of Australia Concerning De-
22 fense Trade Cooperation, done at Sydney Sep-
23 tember 5, 2007 (and any implementing ar-
24 rangement thereto), except that the United

1 States shall exempt from the scope of such
2 treaty—

3 “(i) complete rocket systems (includ-
4 ing ballistic missile systems, space launch
5 vehicles, and sounding rockets) or complete
6 unmanned aerial vehicle systems (including
7 cruise missile systems, target drones, and
8 reconnaissance drones) capable of deliv-
9 ering at least a 500 kilogram payload to a
10 range of 300 kilometers, and associated
11 production facilities, software, or tech-
12 nology for these systems, as defined in the
13 Missile Technology Control Regime Annex
14 Category I, Item 1;

15 “(ii) individual rocket stages, re-entry
16 vehicles and equipment, solid or liquid pro-
17 pellant motors or engines, guidance sets,
18 thrust vector control systems, and associ-
19 ated production facilities, software, and
20 technology, as defined in the Missile Tech-
21 nology Control Regime Annex Category I,
22 Item 2;

23 “(iii) defense articles and defense
24 services listed in the Missile Technology
25 Control Regime Annex Category II that

1 are for use in rocket systems, as that term
2 is used in such Annex, including associated
3 production facilities, software, or tech-
4 nology;

5 “(iv) toxicological agents, biological
6 agents, and associated equipment, as listed
7 in the United States Munitions List (part
8 121.1 of chapter I of title 22, Code of Fed-
9 eral Regulations), Category XIV, subcat-
10 egories (a), (b), (f)(1), (i), (j) as it pertains
11 to (f)(1), (l) as it pertains to (f)(1), and
12 (m) as it pertains to all of the subcat-
13 egories cited in this paragraph;

14 “(v) defense articles and defense serv-
15 ices specific to the design and testing of
16 nuclear weapons which are controlled
17 under United States Munitions List Cat-
18 egory XVI(a) and (b), along with associ-
19 ated defense articles in Category XVI(d)
20 and technology in Category XVI(e); and

21 “(vi) defense articles for which Aus-
22 tralian laws, regulations, or other commit-
23 ments would prevent Australia from en-

1 forcing the control measures specified in
2 such treaty.”.

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