

118TH CONGRESS
2D SESSION

S. 4279

To require the Department of State and the Department of Defense to engage with the Government of Japan regarding areas of cooperation within the Pillar Two framework of the AUKUS partnership, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2024

Mr. ROMNEY (for himself, Mr. KAINE, Mr. RISCH, and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the Department of State and the Department of Defense to engage with the Government of Japan regarding areas of cooperation within the Pillar Two framework of the AUKUS partnership, and for other purposes.

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 “Coordinating AUKUS
5 Engagement with Japan Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations
5 and the Committee on Armed Services of the
6 Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on Armed Services of the House
9 of Representatives.

10 (2) AUKUS OFFICIAL.—The term “AUKUS of-
11 ficial” means a government official with responsibil-
12 ities related to the implementation of the AUKUS
13 partnership.

14 (3) AUKUS PARTNERSHIP.—The term
15 “AUKUS partnership” has the meaning given that
16 term in section 1321 of the National Defense Au-
17 thorization Act of Fiscal Year 2024 (22 U.S.C.
18 10401).

19 (4) COMMERCE CONTROL LIST.—The term
20 “Commerce Control List” means the list maintained
21 pursuant to part 774 of title 15, Code of Federal
22 Regulations (or successor regulations).

23 (5) STATE AUKUS COORDINATOR.—The term
24 “State AUKUS Coordinator” means the senior advi-
25 sor at the Department of State designated under

1 section 1331(a)(1) of the National Defense Author-
2 ization Act for Fiscal Year 2024 (22 U.S.C.
3 10411(a)(1)).

4 (6) DEFENSE AUKUS COORDINATOR.—The term
5 “Defense AUKUS Coordinator” means the senior ci-
6 vilian official of the Department of Defense des-
7 igned under section 1332(a) of the National De-
8 fense Authorization Act for Fiscal Year 2024 (22
9 U.S.C. 10412(a)).

10 (7) PILLAR TWO.—The term “Pillar Two” has
11 the meaning given that term in section 1321(2)(B)
12 of the National Defense Authorization Act of Fiscal
13 Year 2024 (22 U.S.C. 10401(2)(B)).

14 (8) UNITED STATES MUNITIONS LIST.—The
15 term “United States Munitions List” means the list
16 set forth in part 121 of title 22, Code of Federal
17 Regulations (or successor regulations).

18 **SEC. 3. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) the United States should continue to
21 strengthen relationships and cooperation with allies
22 in order to effectively counter the People’s Republic
23 of China;

24 (2) the United States should capitalize on the
25 technological advancements allies have made in

1 order to deliver more advanced capabilities at speed
2 and at scale to the United States military and the
3 militaries of partner countries;

4 (3) the historic announcement of the AUKUS
5 partnership laid out a vision for future defense co-
6 operation in the Indo-Pacific among Australia, the
7 United Kingdom, and the United States;

8 (4) Pillar Two of the AUKUS partnership envi-
9 sions cooperation on advanced technologies, includ-
10 ing hypersonic capabilities, electronic warfare capa-
11 bilities, cyber capabilities, quantum technologies, un-
12 dersea capabilities, and space capabilities;

13 (5) trusted partners of the United States, the
14 United Kingdom, and Australia, such as Japan,
15 could benefit from and offer significant contributions
16 to a range of projects related to Pillar Two of the
17 AUKUS partnership;

18 (6) Japan is a treaty ally of the United States
19 and a technologically advanced country with the
20 world's third-largest economy;

21 (7) in 2022, Australia signed a Reciprocal Ac-
22 cess Agreement with Japan to facilitate reciprocal
23 access and cooperation between the Self-Defense
24 Forces of Japan and the Australian Defence Force;

1 (8) in 2023, the United Kingdom signed a Re-
2 ciprocal Access Agreement with Japan to facilitate
3 reciprocal access and cooperation between the Self-
4 Defense Forces of Japan and the Armed Forces of
5 the United Kingdom of Great Britain and Northern
6 Ireland;

7 (9) in 2014, Japan relaxed its post-war con-
8 straints on the export of non-lethal defense equip-
9 ment, and in March 2024, Japan further refined
10 that policy to allow for the export of weapons to
11 countries with which it has an agreement in place on
12 defense equipment and technology transfers;

13 (10) in 2013, Japan passed a secrecy law obli-
14 gating government officials to protect diplomatic and
15 defense information, and in February 2024, the
16 Cabinet approved a bill creating a new security
17 clearance system covering economic secrets; and

18 (11) in April 2024, the United States, Aus-
19 tralia, and the United Kingdom announced they
20 would consider cooperating with Japan on advanced
21 capability projects under Pillar Two of the AUKUS
22 partnership.

23 **SEC. 4. ENGAGEMENT WITH JAPAN ON AUKUS PILLAR TWO**
24 **COOPERATION.**

25 (a) **ENGAGEMENT REQUIRED.—**

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the State
3 AUKUS Coordinator and the Defense AUKUS Co-
4 ordinator shall jointly engage directly, at a technical
5 level, with the relevant stakeholders in the Govern-
6 ment of Japan—

7 (A) to better understand the export control
8 system of Japan and the effects of the reforms
9 the Government of Japan has made to that sys-
10 tem since 2014;

11 (B) to determine overlapping areas of in-
12 terest and the potential for cooperation with
13 Australia, the United Kingdom, and the United
14 States on projects related to the AUKUS part-
15 nership and other projects;

16 (C) to identify areas in which the Govern-
17 ment of Japan might need to adjust the export
18 control system of Japan in order to guard
19 against export control violations or other re-
20 lated issues in order to be a successful potential
21 partner in Pillar Two of the AUKUS partner-
22 ship; and

23 (D) to assess the Government of Japan's
24 implementation and enforcement of export con-
25 trols on sensitive technologies with respect to

1 the People’s Republic of China, including the
2 implementation of export controls on semicon-
3 ductor manufacturing equipment.

4 (2) CONSULTATION WITH AUKUS OFFICIALS.—

5 In carrying out the engagement required by para-
6 graph (1), the State AUKUS Coordinator and the
7 Defense AUKUS Coordinator shall consult with rel-
8 evant AUKUS officials from the United Kingdom
9 and Australia.

10 (b) BRIEFING REQUIREMENT.—Not later than 30
11 days after the date of the engagement required by sub-
12 section (a), the State AUKUS Coordinator and the De-
13 fense AUKUS Coordinator shall jointly brief the appro-
14 priate congressional committees on the following:

15 (1) The findings of that engagement.

16 (2) A strategy for follow-on engagement.

17 **SEC. 5. ASSESSMENT OF POTENTIAL FOR COOPERATION**
18 **WITH JAPAN ON AUKUS PILLAR TWO.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of State, with the concur-
21 rence of the Secretary of Defense, shall submit to the ap-
22 propriate congressional committees a report assessing the
23 potential for cooperation with Japan on Pillar Two of the
24 AUKUS partnership, detailing the following:

1 (1) Projects the Government of Japan is en-
2 engaged in related to the development of advanced de-
3 fense capabilities under Pillar Two of the AUKUS
4 partnership.

5 (2) The average and median length of time it
6 takes to approve licenses to export products on the
7 United States Munitions List and the Commerce
8 Control List to Japan.

9 (3) Areas of potential cooperation with Japan
10 on advanced defense capabilities within and outside
11 the scope of Pillar Two of the AUKUS partnership.

12 (4) The Secretaries' assessment of the current
13 export control system of Japan, including—

14 (A) the procedures under that system for
15 protecting classified and sensitive defense, dip-
16 lomatic, and economic information;

17 (B) the effectiveness of that system in pro-
18 tecting such information; and

19 (C) such other matters as the Secretaries
20 consider appropriate.

21 (5) Any reforms by Japan that the Secretary of
22 State considers necessary before considering includ-
23 ing Japan in the privileges provided under Pillar
24 Two of the AUKUS partnership.

1 (6) Any recommendations regarding the scope
2 and conditions of potential cooperation with Japan
3 under Pillar Two of the AUKUS partnership.

4 (7) A strategy and forum for communicating
5 the potential benefits of and requirements for engag-
6 ing in projects related to Pillar Two of the AUKUS
7 partnership with the Government of Japan.

8 (8) Any views provided by AUKUS officials
9 from the United Kingdom and Australia on issues
10 relevant to the report, and a plan for cooperation
11 with such officials on future engagement with the
12 Government of Japan related to Pillar Two of the
13 AUKUS partnership.

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