

Calendar No. 586

111TH CONGRESS
2^D SESSION**S. 3581****[Report No. 111-302]**

To implement certain defense trade treaties.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2010

Mr. LUGAR (for himself, Mr. MCCAIN, Mr. KYL, and Mr. WEBB) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

SEPTEMBER 23, 2010

Reported by Mr. KERRY, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To implement certain defense trade treaties.

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 “Defense Trade Treaty
5 Implementation Act of 2010”.

1 **SEC. 2. EXEMPTION FROM REQUIREMENTS FOR BILATERAL**
2 **AGREEMENTS.**

3 Section 38(j)(1) of the Arms Export Control Act (22
4 U.S.C. 2778(j)(1)) is amended—

5 (1) in the subparagraph heading for subpara-
6 graph (B), by inserting “FOR CANADA” after “EX-
7 CEPTION”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(C) EXCEPTION FOR DEFENSE TRADE
11 COOPERATION TREATIES.—The requirement to
12 conclude a bilateral agreement in accordance
13 with subparagraph (A) shall not apply with re-
14 spect to an exemption from the licensing re-
15 quirements of this Act for the export of defense
16 items to give effect to any of the following de-
17 fense trade cooperation treaties, provided that
18 the treaty has entered into force pursuant to
19 Article II, Section 2, clause 2 of the Constitu-
20 tion of the United States:

21 “(i) The Treaty Between the Govern-
22 ment of the United States of America and
23 the Government of the United Kingdom of
24 Great Britain and Northern Ireland Con-
25 cerning Defense Trade Cooperation, done
26 at Washington and London June 21 and

1 26, 2007 (and any implementing arrange-
2 ment thereto).

3 “(ii) The Treaty Between the Govern-
4 ment of the United States of America and
5 the Government of Australia Concerning
6 Defense Trade Cooperation, done at Syd-
7 ney September 23, 2007 (and any imple-
8 menting arrangement thereto).”.

9 **SEC. 3. ENFORCEMENT.**

10 (a) **CRIMINAL VIOLATIONS.**—Section 38(e) of such
11 Act is amended by striking “this section or section 39,
12 or any rule or regulation issued under either section” and
13 inserting “this section, section 39, a treaty referred to in
14 subsection (j)(1)(C), or any rule or regulation issued
15 under this section or section 39, including any rule or reg-
16 ulation issued under this section to implement or enforce
17 a treaty referred to in subsection (j)(1)(C) or an imple-
18 menting arrangement pursuant to such treaty”.

19 (b) **ENFORCEMENT POWERS OF PRESIDENT.**—Sec-
20 tion 38(e) of such Act is amended by striking “defense
21 services,” and inserting “defense services, including de-
22 fense articles and defense services exported or imported
23 pursuant to a treaty referred to in subsection (j)(1)(C),”.

24 (c) **NOTIFICATION REGARDING EXEMPTIONS FROM**
25 **LICENSING REQUIREMENTS.**—Section 38(f) of such Act

1 is amended by adding at the end the following new para-
 2 graph:

3 “(4) Paragraph (2) shall not apply with respect to
 4 an exemption under subsection (j)(1)(A) to give effect to
 5 a treaty referred to in subsection (j)(1)(C) (and any imple-
 6 menting arrangements to such treaty), provided that the
 7 President promulgates regulations to implement and en-
 8 force such treaty under this section and section 39.”.

9 **SEC. 4. CONGRESSIONAL NOTIFICATION.**

10 (a) **ELIGIBILITY FOR DEFENSE ARTICLES OR DE-**
 11 **DEFENSE ARTICLES.**—Section 3(d)(3)(A) of such Act (22
 12 U.S.C. 2753(d)(3)(A)) is amended by inserting after “ap-
 13 proved under section 38 of this Act” the following: “or
 14 has been exempted from the licensing requirements of this
 15 Act pursuant to section 38(j) of this Act”.

16 (b) **PRESIDENTIAL CERTIFICATIONS.**—

17 (1) **EXPORT LICENSES.**—Section 36(e) of such
 18 Act (22 U.S.C. 2776(e)) is amended by adding at
 19 the end the following new paragraph:

20 “(6) An export pursuant to a treaty referred to in
 21 section 38(j)(1)(C) of this Act to which the provisions of
 22 paragraph (1) would apply absent an exemption granted
 23 under section 38(j)(1) of this Act shall not take place until
 24 15 days after the President has submitted a certification
 25 with respect to such export in a similar manner, and con-

1 taining comparable information, as required under para-
2 graph (1).”.

3 ~~(2) COMMERCIAL TECHNICAL ASSISTANCE OR~~
4 ~~MANUFACTURING LICENSING AGREEMENTS.—~~Sec-
5 ~~tion 36(d) of such Act (22 U.S.C. 2776(d)) is~~
6 ~~amended by adding at the end the following new~~
7 ~~paragraph:~~

8 ~~“(6) An export pursuant to a treaty referred to in~~
9 ~~section 38(j)(1)(C) of this Act to which the provisions of~~
10 ~~paragraph (1) would apply absent an exemption granted~~
11 ~~under section 38(j)(1) of this Act shall not take place until~~
12 ~~15 days after the President has submitted a certification~~
13 ~~with respect to such export in a similar manner, and con-~~
14 ~~taining comparable information, as required under para-~~
15 ~~graph (1).”.~~

16 **SEC. 5. IMPLEMENTING REGULATIONS.**

17 The President is authorized to issue regulations pur-
18 suant to the Arms Export Control Act (22 U.S.C. 2751
19 et seq.) to implement and enforce the Treaty Between the
20 Government of the United States of America and the Gov-
21 ernment of the United Kingdom of Great Britain and
22 Northern Ireland Concerning Defense Trade Cooperation,
23 done at Washington and London June 21 and 26, 2007
24 (and any implementing arrangement thereto), and the
25 Treaty Between the Government of the United States of

1 America and the Government of Australia Concerning De-
2 fense Trade Cooperation, done at Sydney September 23,
3 2007 (and any implementing arrangement thereto), con-
4 sistent with other applicable provisions of the Arms Ex-
5 port Control Act, as amended by this Act, and with the
6 terms of any resolution of advice and consent adopted by
7 the Senate with respect to either treaty.

8 **SEC. 6. RULE OF CONSTRUCTION.**

9 Nothing in this Act, or in the Treaty Between the
10 Government of the United States of America and the Gov-
11 ernment of the United Kingdom of Great Britain and
12 Northern Ireland Concerning Defense Trade Cooperation,
13 done at Washington and London on June 21 and 26, 2007
14 (and any implementing arrangement thereto), or in the
15 Treaty Between the Government of the United States of
16 America and the Government of Australia Concerning De-
17 fense Trade Cooperation, done at Sydney, September 23,
18 2007 (and any implementing arrangement thereto), or in
19 any regulation issued to implement either treaty, shall be
20 construed to modify or supersede any provision of law or
21 regulation other than the Arms Export Control Act (22
22 U.S.C. 2751 et seq.), as amended by this Act, and regula-
23 tions issued pursuant to such Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Defense Trade Coopera-*
 3 *tion Treaties Implementation Act of 2010”.*

4 **SEC. 2. EXEMPTIONS FROM REQUIREMENTS.**

5 (a) *RETRANSFER REQUIREMENTS.*—Section 3(b) of
 6 *the Arms Export Control Act (22 U.S.C. 2753(b)) is amend-*
 7 *ed by inserting “a treaty referred to in section*
 8 *38(j)(1)(C)(i) of this Act permits such transfer without*
 9 *prior consent of the President, or if” after “if”.*

10 (b) *BILATERAL AGREEMENT REQUIREMENTS.*—Sec-
 11 *tion 38(j)(1) of such Act (22 U.S.C. 2778(j)(1)) is amend-*
 12 *ed—*

13 (1) *in the subparagraph heading for subpara-*
 14 *graph (B), by inserting “FOR CANADA” after “EXCEP-*
 15 *TION”; and*

16 (2) *by adding at the end the following new sub-*
 17 *paragraph:*

18 “(C) *EXCEPTION FOR DEFENSE TRADE CO-*
 19 *OPERATION TREATIES.*—

20 “(i) *IN GENERAL.*—*The requirement to*
 21 *conclude a bilateral agreement in accord-*
 22 *ance with subparagraph (A) shall not apply*
 23 *with respect to an exemption from the li-*
 24 *censing requirements of this Act for the ex-*
 25 *port of defense items to give effect to any of*
 26 *the following defense trade cooperation trea-*

1 *ties, provided that the treaty has entered*
2 *into force pursuant to article II, section 2,*
3 *clause 2 of the Constitution of the United*
4 *States:*

5 *“(I) The Treaty Between the Gov-*
6 *ernment of the United States of Amer-*
7 *ica and the Government of the United*
8 *Kingdom of Great Britain and North-*
9 *ern Ireland Concerning Defense Trade*
10 *Cooperation, done at Washington and*
11 *London on June 21 and 26, 2007 (and*
12 *any implementing arrangement there-*
13 *to).*

14 *“(II) The Treaty Between the*
15 *Government of the United States of*
16 *America and the Government of Aus-*
17 *tralia Concerning Defense Trade Co-*
18 *operation, done at Sydney September*
19 *5, 2007 (and any implementing ar-*
20 *rangement thereto).*

21 *“(ii) LIMITATION OF SCOPE.—The*
22 *United States shall exempt from the scope of*
23 *a treaty referred to in clause (i)—*

24 *“(I) complete rocket systems (in-*
25 *cluding ballistic missile systems, space*

1 *launch vehicles, and sounding rockets)*
2 *or complete unmanned aerial vehicle*
3 *systems (including cruise missile sys-*
4 *tems, target drones, and reconnaissance*
5 *drones) capable of delivering at least a*
6 *500 kilogram payload to a range of*
7 *300 kilometers, and associated produc-*
8 *tion facilities, software, or technology*
9 *for these systems, as defined in the*
10 *Missile Technology Control Regime*
11 *Annex Category I, Item 1;*

12 *“(II) individual rocket stages, re-*
13 *entry vehicles and equipment, solid or*
14 *liquid propellant motors or engines,*
15 *guidance sets, thrust vector control sys-*
16 *tems, and associated production facili-*
17 *ties, software, and technology, as de-*
18 *finied in the Missile Technology Control*
19 *Regime Annex Category I, Item 2;*

20 *“(III) defense articles and defense*
21 *services listed in the Missile Tech-*
22 *nology Control Regime Annex Category*
23 *II that are for use in rocket systems, as*
24 *that term is used in such Annex, in-*

1 *cluding associated production facilities,*
2 *software, or technology;*

3 *“(IV) toxicological agents, biologi-*
4 *cal agents, and associated equipment,*
5 *as listed in the United States Muni-*
6 *tions List (part 121.1 of chapter I of*
7 *title 22, Code of Federal Regulations),*
8 *Category XIV, subcategories (a), (b),*
9 *(f)(1), (i), (j) as it pertains to (f)(1),*
10 *(l) as it pertains to (f)(1), and (m) as*
11 *it pertains to all of the subcategories*
12 *cited in this paragraph;*

13 *“(V) defense articles and defense*
14 *services specific to the design and test-*
15 *ing of nuclear weapons which are con-*
16 *trolled under United States Munitions*
17 *List Category XVI(a) and (b), along*
18 *with associated defense articles in Cat-*
19 *egory XVI(d) and technology in Cat-*
20 *egory XVI(e);*

21 *“(VI) with regard to the treaty*
22 *cited in clause (i)(I), defense articles*
23 *and defense services that the United*
24 *States controls under the United States*
25 *Munitions List that are not controlled*

1 by the United Kingdom, as defined in
2 the United Kingdom Military List or
3 Annex 4 to the United Kingdom Dual
4 Use List, or any successor lists thereto;
5 and

6 “(VII) with regard to the treaty
7 cited in clause (i)(II), defense articles
8 for which Australian laws, regulations,
9 or other commitments would prevent
10 Australia from enforcing the control
11 measures specified in such treaty.”.

12 **SEC. 3. ENFORCEMENT.**

13 (a) *CRIMINAL VIOLATIONS.*—Section 38(c) of such Act
14 (22 U.S.C. 2778(c)) is amended by striking “this section
15 or section 39, or any rule or regulation issued under either
16 section” and inserting “this section, section 39, a treaty re-
17 ferred to in subsection (j)(1)(C)(i), or any rule or regulation
18 issued under this section or section 39, including any rule
19 or regulation issued to implement or enforce a treaty re-
20 ferred to in subsection (j)(1)(C)(i) or an implementing ar-
21 rangement pursuant to such treaty”.

22 (b) *ENFORCEMENT POWERS OF PRESIDENT.*—Section
23 38(e) of such Act (22 U.S.C. 2278(e)) is amended by strik-
24 ing “defense services,” and inserting “defense services, in-
25 cluding defense articles and defense services exported or im-

1 ported pursuant to a treaty referred to in subsection
2 (j)(1)(C)(i),”.

3 (c) *NOTIFICATION REGARDING EXEMPTIONS FROM LI-*
4 *CENSING REQUIREMENTS.*—Section 38(f) of such Act (22
5 U.S.C. 2778(f)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(4) Paragraph (2) shall not apply with respect
8 to an exemption under subsection (j)(1) to give effect
9 to a treaty referred to in subsection (j)(1)(C)(i) (and
10 any implementing arrangements to such treaty), pro-
11 vided that the President promulgates regulations to
12 implement and enforce such treaty under this section
13 and section 39.”.

14 (d) *INCENTIVE PAYMENTS.*—Section 39A(a) of such
15 Act (22 U.S.C. 2779a(a)) is amended by inserting “or ex-
16 ported pursuant to a treaty referred to in section
17 38(j)(1)(C)(i) of this Act” after “under this Act”.

18 **SEC. 4. CONGRESSIONAL NOTIFICATION.**

19 (a) *RETRANSFERS AND REEXPORTS.*—Section
20 3(d)(3)(A) of such Act (22 U.S.C. 2753(d)(3)(A)) is amend-
21 ed by inserting “or has been exempted from the licensing
22 requirements of this Act pursuant to a treaty referred to
23 in section 38(j)(1)(C)(i) of this Act where such treaty does
24 not authorize the transfer without prior United States Gov-

1 *ernment approval” after “approved under section 38 of this*
2 *Act”.*

3 *(b) DISCRIMINATION.—Section 5(c) of such Act (22*
4 *U.S.C. 2755(c)) is amended by inserting “or any import*
5 *or export under a treaty referred to in section 38(j)(1)(C)(i)*
6 *of this Act” after “under this Act”.*

7 *(c) ANNUAL ESTIMATE OF SALES.—Section 25(a) of*
8 *such Act (22 U.S.C. 2765(a)) is amended—*

9 *(1) in paragraph (1), by inserting “, as well as*
10 *exports pursuant to a treaty referred to in section*
11 *38(j)(1)(C)(i) of this Act,” after “commercial exports*
12 *under this Act”; and*

13 *(2) in paragraph (2), by inserting “, as well as*
14 *exports pursuant to a treaty referred to in section*
15 *38(j)(1)(C)(i) of this Act,” after “commercial ex-*
16 *ports”.*

17 *(d) PRESIDENTIAL CERTIFICATIONS.—*

18 *(1) EXPORTS.—Section 36(c) of such Act (22*
19 *U.S.C. 2776(c)) is amended by adding at the end the*
20 *following new paragraph:*

21 *“(6) The President shall notify the Speaker of*
22 *the House of Representatives and the Chairman of the*
23 *Committee on Foreign Relations of the Senate at least*
24 *15 days prior to an export pursuant to a treaty re-*
25 *ferred to in section 38(j)(1)(C)(i) of this Act to which*

1 *the provisions of paragraph (1) of this subsection*
 2 *would apply absent an exemption granted under sec-*
 3 *tion 38(j)(1) of this Act, for which purpose such noti-*
 4 *fication shall contain information comparable to that*
 5 *specified in paragraph (1) of this subsection.”.*

6 (2) *COMMERCIAL TECHNICAL ASSISTANCE OR*
 7 *MANUFACTURING LICENSING AGREEMENTS.—Section*
 8 *36(d) of such Act (22 U.S.C. 2776(d)) is amended by*
 9 *adding at the end the following new paragraph:*

10 “(6) *The President shall notify the Speaker of*
 11 *the House of Representatives and the Chairman of the*
 12 *Committee on Foreign Relations of the Senate at least*
 13 *15 days prior to an export pursuant to a treaty re-*
 14 *ferred to in section 38(j)(1)(C)(i) of this Act to which*
 15 *the provisions of paragraph (1) of this subsection*
 16 *would apply absent an exemption granted under sec-*
 17 *tion 38(j)(1) of this Act, for which purpose such noti-*
 18 *fication shall contain information comparable to that*
 19 *specified in paragraph (1) of this subsection.”.*

20 (e) *FEEES AND POLITICAL CONTRIBUTIONS.—Section*
 21 *39(a) of such Act (22 U.S.C. 2779(a)) is amended—*

22 (1) *in paragraph (1), by striking “; or” and in-*
 23 *serting a semicolon;*

24 (2) *in paragraph (2), by inserting “or” after the*
 25 *semicolon; and*

1 (3) by adding at the end the following new para-
2 graph:

3 “(3) exports of defense articles or defense services
4 pursuant to a treaty referenced in section
5 38(j)(1)(C)(i) of this Act;”.

6 **SEC. 5. LIMITATION ON IMPLEMENTING ARRANGEMENTS.**

7 (a) *IN GENERAL.*—No amendment to an implementing
8 arrangement concluded pursuant to a treaty referred to in
9 section 38(j)(1)(C)(i) of the Arms Export Control Act, as
10 added by this Act, shall enter into effect for the United
11 States unless the Congress adopts, and there is enacted, leg-
12 islation approving the entry into effect of that amendment
13 for the United States.

14 (b) *COVERED AMENDMENTS.*—

15 (1) *IN GENERAL.*—The requirements specified in
16 subsection (a) shall apply to any amendment other
17 than an amendment that addresses an administrative
18 or technical matter. The requirements in subsection
19 (a) shall not apply to any amendment that solely ad-
20 dresses an administrative or technical matter.

21 (2) *U.S.-UK IMPLEMENTING ARRANGEMENT.*—In
22 the case of the Implementing Arrangement Pursuant
23 to the Treaty Between the Government of the United
24 States of America and the Government of the United
25 Kingdom of Great Britain and Northern Ireland Con-

1 *cerning Defense Trade Cooperation, signed at Wash-*
2 *ington February 14, 2008, amendments to which the*
3 *requirements specified in subsection (a) apply shall*
4 *include—*

5 *(A) any amendment to section 2, para-*
6 *graphs (1), (2), or (3) that modifies the criteria*
7 *governing operations, programs, and projects to*
8 *which the treaty applies;*

9 *(B) any amendment to section 3, para-*
10 *graphs (1) or (2) that modifies the criteria gov-*
11 *erning end-use requirements and the require-*
12 *ments for approved community members re-*
13 *sponding to United States Government solicita-*
14 *tions;*

15 *(C) any amendment to section 4, paragraph*
16 *(4) that modifies the criteria for including items*
17 *on the list of defense articles exempt from the*
18 *treaty;*

19 *(D) any amendment to section 4, paragraph*
20 *(7) that modifies licensing and other applicable*
21 *requirements relating to items added to the list*
22 *of defense articles exempt from the scope of the*
23 *treaty;*

24 *(E) any amendment to section 7, paragraph*
25 *(4) that modifies the criteria for eligibility in the*

1 *approved community under the treaty for non-*
2 *governmental United Kingdom entities and fa-*
3 *ilities;*

4 *(F) any amendment to section 7, paragraph*
5 *(9) that modifies the conditions for suspending*
6 *or removing a United Kingdom entity from the*
7 *approved community under the treaty;*

8 *(G) any amendment to section 7, para-*
9 *graphs (11) or (12) that modifies the conditions*
10 *under which individuals may be granted access*
11 *to defense articles exported under the treaty;*

12 *(H) any amendment to section 9, para-*
13 *graphs (1), (3), (7), (8), (9), (12), or (13) that*
14 *modifies the circumstances under which United*
15 *States Government approval is required for the*
16 *re-transfer or re-export of a defense article, or to*
17 *exceptions to such requirement; and*

18 *(I) any amendment to section 11, para-*
19 *graph (4)(b) that modifies conditions of entry to*
20 *the United Kingdom community under the trea-*
21 *ty.*

22 (3) *U.S.-AUSTRALIA IMPLEMENTING ARRANGE-*
23 *MENT.—In the case of the Implementing Arrangement*
24 *Pursuant to the Treaty Between the Government of*
25 *the United States of America and the Government of*

1 *the Australia Concerning Defense Trade Cooperation,*
2 *signed at Washington March 14, 2008, amendments*
3 *to which the requirements specified in subsection (a)*
4 *apply shall include—*

5 *(A) any amendment to section 2, para-*
6 *graphs (1), (2), or (3) that modifies the criteria*
7 *governing operations, programs, and projects to*
8 *which the treaty applies;*

9 *(B) any amendment to section 3, para-*
10 *graphs (1) or (2) that modifies the criteria gov-*
11 *erning end-use requirements and the require-*
12 *ments for approved community members re-*
13 *sponding to United States Government solicita-*
14 *tions;*

15 *(C) any amendment to section 4, paragraph*
16 *(4) that modifies criteria for including items on*
17 *the list of defense articles exempt from the scope*
18 *of the treaty;*

19 *(D) any amendment to section 4, paragraph*
20 *(7) that modifies licensing and other applicable*
21 *requirements relating to items added to the list*
22 *of defense articles exempt from the scope of the*
23 *treaty;*

24 *(E) any amendment to section 6, paragraph*
25 *(4) that modifies the criteria for eligibility in the*

1 *approved community under the treaty for non-*
 2 *governmental Australian entities and facilities;*

3 *(F) any amendment to section 6, paragraph*
 4 *(9) that modifies the conditions for suspending*
 5 *or removing an Australian entity from the Aus-*
 6 *tralia community under the treaty;*

7 *(G) any amendment to section 6, para-*
 8 *graphs (11), (12), (13), or (14) that modifies the*
 9 *conditions under which individuals may be*
 10 *granted access to defense articles exported under*
 11 *the treaty;*

12 *(H) any amendment to section 9, para-*
 13 *graphs (1), (2), (4), (7), or (8) that modifies the*
 14 *circumstances under which United States Gov-*
 15 *ernment approval is required for the re-transfer*
 16 *or re-export of a defense article, or to exceptions*
 17 *to such requirement; and*

18 *(I) any amendment to section 11, para-*
 19 *graph (6) that modifies conditions of entry to the*
 20 *Australian community under the treaty.*

21 (c) *CONGRESSIONAL NOTIFICATION FOR OTHER*
 22 *AMENDMENTS TO IMPLEMENTING ARRANGEMENTS.—*

23 (1) *IN GENERAL.—Except as noted under para-*
 24 *graph (2), not later than 15 days before any amend-*
 25 *ment to an implementing arrangement to which sub-*

1 *section (a) does not apply shall take effect, the Presi-*
2 *dent shall provide to the Committee on Foreign Rela-*
3 *tions of the Senate and the Committee on Foreign Af-*
4 *airs of the House of Representatives a report con-*
5 *taining—*

6 *(A) the text of the amendment; and*

7 *(B) an analysis of the amendment's effect,*
8 *including an analysis regarding why subsection*
9 *(a) does not apply.*

10 *(2) EXCEPTIONAL CIRCUMSTANCES.—If the*
11 *President determines that it is important to main-*
12 *taining the viability and effectiveness of a treaty re-*
13 *ferred to in section 38(j)(1)(C)(i) of the Arms Export*
14 *Control Act, as added by this Act, to immediately*
15 *bring into effect an amendment to an implementing*
16 *arrangement to which subsection (a) does not apply,*
17 *then no later than 5 days after such amendment shall*
18 *come into effect, the President shall provide to the*
19 *Committee on Foreign Relations of the Senate and the*
20 *Committee on Foreign Affairs of the House of Rep-*
21 *resentatives a certification to that effect and the rea-*
22 *sons for making the determination, as well as the re-*
23 *port required under paragraph (1).*

1 **SEC. 6. IMPLEMENTING REGULATIONS.**

2 *The President is authorized to issue regulations pursu-*
3 *ant to the Arms Export Control Act (22 U.S.C. 2751 et*
4 *seq.) to implement and enforce the Treaty Between the Gov-*
5 *ernment of the United States of America and the Govern-*
6 *ment of the United Kingdom of Great Britain and Northern*
7 *Ireland Concerning Defense Trade Cooperation, done at*
8 *Washington and London on June 21 and 26, 2007 (and*
9 *any implementing arrangement thereto) and the Treaty Be-*
10 *tween the Government of the United States of America and*
11 *the Government of Australia Concerning Defense Trade Co-*
12 *operation, done at Sydney, September 5, 2007 (and any*
13 *implementing arrangement thereto), consistent with other*
14 *applicable provisions of the Arms Export Control Act, as*
15 *amended by this Act, and with the terms of any resolution*
16 *of advice and consent adopted by the Senate with respect*
17 *to either treaty.*

18 **SEC. 7. RULE OF CONSTRUCTION.**

19 *Nothing in this Act, the Treaty Between the Govern-*
20 *ment of the United States of America and the Government*
21 *of the United Kingdom of Great Britain and Northern Ire-*
22 *land Concerning Defense Trade Cooperation, done at Wash-*
23 *ington and London on June 21 and 26, 2007 (and any*
24 *implementing arrangement thereto), the Treaty Between the*
25 *Government of the United States of America and the Gov-*
26 *ernment of Australia Concerning Defense Trade Coopera-*

1 *tion, done at Sydney, September 5, 2007 (and any imple-*
2 *menting arrangement thereto), or in any regulation issued*
3 *to implement either treaty, shall be construed to modify or*
4 *supersede any provision of law or regulation other than the*
5 *Arms Export Control Act (22 U.S.C. 2751 et seq.), as*
6 *amended by this Act, and the International Traffic in Arms*
7 *Regulations (subchapter M of chapter I of title 22, Code*
8 *of Federal Regulations).*

Amend the title so as to read: “To implement certain defense trade cooperation treaties.”.

Calendar No. 586

11TH CONGRESS
2^D Session

S. 3581

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A BILL

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SEPTEMBER 23, 2010

Reported with an amendment and an amendment to the
title