

national security, politicized and weaponized economic and technological issues, abused export control measures, arbitrarily restricted the export of relevant products to China, and put a number of Chinese companies on the sanctions list to suppress and contain them,” a Chinese Ministry of Commerce spokesperson said, explaining the reasoning for the export ban.⁴¹

USE OF FORCE, ARMS CONTROL, AND NON-PROLIFERATION

AUKUS States Advance Their Partnership with the Signing of a Naval Nuclear Propulsion Cooperation Agreement and the Easing of Export Controls on Defense-Related Trade
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Australia, the United Kingdom, and the United States have taken steps to advance the two pillars of the AUKUS security partnership.¹ In August 2024, the three states signed an agreement governing the transfer of information, material, and equipment related to naval nuclear propulsion.² The pact is one of a series of recent actions that lay the groundwork for Australia’s acquisition of conventionally armed, nuclear-powered submarines (the goal of Pillar I).³ Also in August, the three states announced that they had each adopted comparable

⁴¹ *Update: China Tightens Control Over Dual-Use Items Export to U.S.*, XINHUA (Dec. 3, 2024), at <https://english.news.cn/20241203/82640469de9b4334a8b896880720afda/c.html>.

¹ See White House Press Release, Joint Leaders Statement on AUKUS (Sept. 15, 2021), at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/15/joint-leaders-statement-on-auku> [<https://perma.cc/7C5V-9BP2>] [hereinafter AUKUS Announcement]. AUKUS was established in September 2021 as a trilateral partnership to “deepen diplomatic, security, and defense cooperation in the Indo-Pacific region.” See Kristen E. Eichensehr, *Contemporary Practice of the United States*, 116 *AJIL* 164, 165 (2022).

² See Agreement Among the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Australia, and the Government of the United States of America for Cooperation Related to Naval Nuclear Propulsion (Aug. 5, 2024), at https://assets.publishing.service.gov.uk/media/66d1e4198df4724cad1aeb05/MS_8.2024_Agreement_UK_Australia_USA_Cooperation_Naval_Nuclear_Propulsion.pdf [hereinafter AUKUS Agreement]. The agreement supersedes a prior one that focused only on the exchange of information. See *id.* Art. XII; Agreement Between the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland for the Exchange of Naval Nuclear Propulsion Information, TIAS 22-208 (Nov. 22, 2021), at <https://www.state.gov/wp-content/uploads/2022/04/22-208-Multilateral-Nuclear-Energy.pdf> [<https://perma.cc/X4BB-LWKR>]. The United States has entered into civil nuclear cooperation agreements with Australia and the United Kingdom. See Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy (May 4, 2010), at https://www.energy.gov/sites/default/files/pi_iec/098b7ef98020d507.pdf [<https://perma.cc/4JB2-EG3K>]; Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation in Peaceful Uses of Nuclear Energy, TIAS 20-1231 (May 4, 2018), at <https://www.state.gov/wp-content/uploads/2021/04/20-1231-United-Kingdom-Nuclear-Energy-Peaceful-Uses.pdf> [<https://perma.cc/WY6V-8SBQ>].

³ See U.S. Dep’t of State Press Release, Announcement of the Agreement Among the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation Related to Naval Nuclear Propulsion (Aug. 8, 2024), at <https://www.state.gov/announcement-of-the-agreement-among-the-government-of-the-united-states-of-america-the-government-of-australia-and-the-government-of-the-united-kingdom-of-great-britain-and-northern-ireland-for-coop> [<https://perma.cc/>].

export control rules on defense-related trade and reciprocal licensing exemptions.⁴ The new regulations seek to facilitate transnational collaborations in areas of “advanced capabilities” in order “to ensure that [AUKUS] forces are equipped with cutting edge interoperable military capabilities and [are] prepared to face down aggression in whatever form it may take” (the goal of Pillar II).⁵ Marking the third anniversary of AUKUS in September, the three countries’ leaders, mindful of China’s increasing assertiveness in the region, reaffirmed their goal of security and stability in the Indo-Pacific.⁶

AUKUS’s first pillar aims to provide Australia with conventionally armed, nuclear-powered submarine capability.⁷ Following an initial eighteen-month feasibility study, the three partners, in March 2023, announced a “phased approach” to meet this objective. In the coming decade, the United States will sell Australia at least three Virginia-class submarines, the newest class of U.S. nuclear-powered attack submarines. Over a longer period, Australia, using technology from all three countries, will build a newly designed class of nuclear-powered submarines—the SSN-AUKUS—for its navy.⁸

Though not prohibited by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),⁹ to which the three states are parties, the transfer of naval nuclear propulsion plants (NNPPs),¹⁰ nuclear material, and related equipment from nuclear-weapon states (the United States and the United Kingdom) to a non-nuclear-weapon state (Australia) has been described as “unprecedented” and raises serious proliferation concerns.¹¹ Australia is permitted to use nuclear material

[cc/JT8V-JCW2](https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/05/fact-sheet-implementation-of-the-australia-united-kingdom-united-states-partnership-aukus). Nuclear-powered submarines have advantages compared to diesel submarines in terms of endurance, range, and speed.

⁴ See UK Ministry of Defence Press Release, AUKUS Statement (Aug. 16, 2024), at <https://www.gov.uk/government/news/aukus-statement-16-august-2024> [<https://perma.cc/N5BD-6PQC>].

⁵ See White House Press Release, Fact Sheet: Implementation of the Australia – United Kingdom – United States Partnership (AUKUS) (Apr. 5, 2022), at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/05/fact-sheet-implementation-of-the-australia-united-kingdom-united-states-partnership-aukus> [<https://perma.cc/UHH5-XBYG>]; U.S. Dep’t of Defense Press Release, Defense Official Statement on AUKUS Pillar 2 and Exercise Maritime Big Play (Oct. 24, 2024), at <https://www.defense.gov/News/Releases/Release/Article/3945552/defense-official-statement-on-aukus-pillar-2-and-exercise-maritime-big-play> [<https://perma.cc/K6NH-WKCF>].

⁶ See White House Press Release, Joint Leaders Statement to Mark the Third Anniversary of AUKUS (Sept. 17, 2024), at <https://www.whitehouse.gov/briefing-room/statements-releases/2024/09/17/joint-leaders-statement-to-mark-the-third-anniversary-of-aukus> [<https://perma.cc/79LC-WTN3>] [hereinafter Third Anniversary Leaders Statement].

⁷ AUKUS Announcement, *supra* note 1.

⁸ White House Press Release, Joint Leaders Statement on AUKUS (Mar. 13, 2023), at <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/13/joint-leaders-statement-on-aukus-2> [<https://perma.cc/KKN3-D4SE>] [hereinafter Joint Leaders Statement]. The United Kingdom will build SSN-AUKUS submarines for itself at its own shipyard.

⁹ Treaty on the Non-proliferation of Nuclear Weapons, July 1, 1968, 729 UNTS 161.

¹⁰ Heat from the NNPP’s nuclear reactor creates the steam that drives the submarine’s propulsion turbines (powering the propellers) and turbine generators (providing the vessel with electricity) See Navy Supply Systems Command, New to N94 – Naval Nuclear Propulsion Overview, at <https://www.navsup.navy.mil/Viper-Home/NNPO> [<https://perma.cc/WL2P-4UXF>].

¹¹ See Toby Dalton & Ariel Levite, *AUKUS as a Nonproliferation Standard?*, ARMS CONTROL TODAY (July/Aug. 2023), at <https://www.armscontrol.org/act/2023-07/features/aukus-nonproliferation-standard> [<https://perma.cc/B9KQ-LY87>]; Sébastien Philippe, *The New Australia, UK, and US Nuclear Submarine Announcement: A Terrible Decision for the Nonproliferation Regime*, BULLETIN OF THE ATOMIC SCIENTISTS (Sept. 17, 2021), at <https://thebulletin.org/2021/09/the-new-australia-uk-and-us-nuclear-submarine-announcement-a-terrible-decision-for-the-nonproliferation-regime>. Australia’s acquisition of a nuclear-powered submarine also does not contravene the South Pacific Nuclear Free Zone Treaty, Aug. 6, 1985, 1445 UNTS 177, to which it is a party.

in non-peaceful activities (like submarines) provided it does not utilize such material to produce nuclear weapons or other nuclear explosive devices or divert the material to such weapons. But the safeguards agreement under which the International Atomic Energy Agency (IAEA) verifies and monitors the peaceful use of nuclear material by Australia does not apply to non-peaceful activities.¹² In such circumstances, an “arrangement” must be concluded by Australia and the IAEA that provides the agency with information concerning the nuclear material while it is being used for non-peaceful activities.¹³ Consultations between Australia and the IAEA regarding this arrangement are ongoing.¹⁴ Aware of the precedent they are setting,¹⁵ the three AUKUS partners have repeatedly “committed to set the highest nuclear non-proliferation standard” and agreed to “consult with the [IAEA] to develop a non-proliferation approach that sets the strongest precedent for the acquisition of a nuclear-powered submarine capability.”¹⁶ China has said that “AUKUS nuclear-powered submarine cooperation contravenes the object and purpose of the [NPT],” and it has “call[ed] on the international community to take seriously the impact of AUKUS nuclear-powered submarine cooperation on the authority and effectiveness of the NPT, and its negative effect on the IAEA safeguards regime.”¹⁷

¹² See IAEA Information Circular, Agreement Between Australia and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, Art. 14, IAEA INF/CIRC/217 (Dec. 13, 1974) [hereinafter Australia Comprehensive Safeguards Agreement]; IAEA Information Circular, Protocol Additional to the Agreement Between Australia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, INF/CIRC/217/Add.1 (Feb. 9, 1998).

¹³ See Australia Comprehensive Safeguards Agreement, *supra* note 12, Art. 14.

¹⁴ See IAEA Press Release, IAEA Director General Statement in Relation to the Agreement Between Australia, the United Kingdom and the United States Related to Naval Nuclear Propulsion (Aug. 15, 2024), at <https://www.iaea.org/newscenter/pressreleases/iaea-director-general-statement-in-relation-to-the-agreement-between-australia-the-united-kingdom-and-the-united-states-related-to-naval-nuclear-propulsion> [<https://perma.cc/T3BN-7UXN>]; IAEA Board of Governors, Naval Nuclear Propulsion: Australia – Report by the Director General, para. 13, IAEA Doc. GOV/INF/2024/12 (Nov. 15, 2024).

¹⁵ Until this agreement, nuclear-weapon states had not transferred naval nuclear propulsion technology to a non-nuclear state. Brazil has sought to develop a nuclear-powered submarine on its own, though France recently indicated that it would assist. See *France to Help Brazil Develop Nuclear-Powered Submarines*, LE MONDE (Mar. 27, 2024), at https://www.lemonde.fr/en/international/article/2024/03/27/france-to-help-brazil-develop-nuclear-powered-submarines_6659812_4.html. The United States had consistently refused to transfer its naval nuclear propulsion technology to any state, aside from the United Kingdom. See CONG. RES. SERV., NAVY VIRGINIA-CLASS SUBMARINE PROGRAM AND AUKUS SUBMARINE (PILLAR 1) PROJECT: BACKGROUND AND ISSUES FOR CONGRESS, at 18–19, 83–85 (Oct. 10, 2024), at <https://crsreports.congress.gov/product/pdf/RL/RL32418>.

¹⁶ Joint Leaders Statement, *supra* note 8; see also UK Foreign, Commonwealth & Development Office Press Release, Nuclear Safeguards: AUKUS Statement to the IAEA Board of Governors (Nov. 20, 2024), at <https://www.gov.uk/government/speeches/nuclear-safeguards-aukus-statement-to-the-iaea-board-of-governors-november-2024> [<https://perma.cc/XM7F-QPF2>]; UK Foreign, Commonwealth & Development Office Press Release, Nuclear Safeguards and the NPT: AUKUS Side Event, July 2024 (July 26, 2024), at <https://www.gov.uk/government/speeches/nuclear-safeguards-and-the-npt-aukus-side-event-july-2024> [<https://perma.cc/LY7N-TXXW>].

¹⁷ People’s Republic of China Ministry of Foreign Affairs Press Release, Foreign Ministry Spokesperson Lin Jian’s Remarks (Aug. 14, 2024), at https://www.fmprc.gov.cn/eng/xw/fyrbt/202408/t20240814_11472410.html [<https://perma.cc/HF5U-N66H>]. China has repeatedly raised the topic at meetings of the IAEA General Conference and Board of Governors and at sessions of the Preparatory Committee for the 2026 NPT Review Conference. See, e.g., U.S. Mission to International Organizations in Vienna Press Release, AUKUS Trilateral Right of Reply – Item 21: Transfer of the Nuclear Materials in the Context of AUKUS and Its Safeguards in All Aspects Under the NPT (Sept. 19, 2024), at <https://vienna.usmission.gov/aukus-trilateral-right-of-reply-item-21-transfer-of-the-nuclear-materials-in-the-context-of-aukus-and-its-safeguards-in-all-aspects-under-the-npt-iaea-general-conference> [<https://perma.cc/JL89-ZXLH>]; Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Nuclear Submarine

The agreement signed in August by Australia, the United Kingdom, and the United States establishes the framework for (1) the exchange of information between the three parties and (2) the transfer of material (including nuclear material) and equipment (including NNPPs) by the United Kingdom and the United States to Australia, in the context of their mutual defense and security arrangements.¹⁸ Its provisions include placing on Australia the responsibility for disposal of spent nuclear fuel and radioactive waste resulting from the operation of transferred NNPPs and the obligation to indemnify the United Kingdom and the United States against any liability or loss relating to nuclear risks connected with the transferred material or equipment.¹⁹ The agreement also contains numerous conditions, including: that any information or material communicated or transferred will “not be used for any nuclear explosive device, or for research on or development of any nuclear explosive device”;²⁰ that Australia will only use the nuclear material transferred for naval nuclear propulsion, will not use material from any other source for naval nuclear propulsion, and will “not enrich uranium, produce nuclear fuel, or reprocess nuclear fuel for naval nuclear propulsion”;²¹ that Australia will not enrich or reprocess any of the material transferred;²² that the United Kingdom and the United States may require the return of any transferred material or equipment if Australia materially breaches its obligations under the NPT, the Australia-IAEA Safeguards Agreement, or the Article 14 arrangement;²³ that Australia will maintain an accounting system for all transferred material;²⁴ and that all Australian nuclear-powered submarines will be conventionally armed.²⁵ The agreement details as well the parties’ cooperation regarding the application of the Safeguards Agreement and the Article 14 arrangement.²⁶ It also establishes rules regarding the security and dissemination of the information, material, and equipment that is exchanged and transferred.²⁷

Cooperation Between the United States of America, the United Kingdom of Great Britain and Northern Ireland and Australia: Working Paper Submitted by China, NPT/CONF.2026/PC.II/WP.36 (July 12, 2024).

¹⁸ See AUKUS Agreement, *supra* note 2, Art. I. The only other comparable agreement the United States has entered into was done with the United Kingdom, a nuclear weapon state. See Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (July 3, 1958), 326 UNTS 3. The most recent amendment of that agreement entered into force in November 2024. Among other things, the amendment makes all provisions of the agreement indefinite in duration, thus no longer requiring its periodic renewal as had previously been necessary. See U.S. Dep’t of State Press Release, United States and United Kingdom Bring Amendment to Mutual Defense Agreement into Force (Nov. 14, 2024), at <https://www.state.gov/united-states-and-united-kingdom-bring-amendment-to-mutual-defense-agreement-into-force> [<https://perma.cc/P9HM-KV3A>]; White House Press Release, Letter to the Speaker of the House and President of the Senate on the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as Amended (July 29, 2024), at <https://www.whitehouse.gov/briefing-room/statements-releases/2024/07/29/letter-to-the-speaker-of-the-house-and-president-of-the-senate-on-the-amendment-to-the-agreement-between-the-government-of-the-united-states-of-america-and-the-government-of-the-united-kingdom-of-grea> [<https://perma.cc/2NJ4-VPXA>].

¹⁹ See AUKUS Agreement, *supra* note 2, Art. IV(D)–(E).

²⁰ *Id.* Art. VI(C).

²¹ *Id.* Art. VI(D).

²² See *id.* Art. VI(E).

²³ See *id.* Art. VI(H).

²⁴ See *id.* Art. VI(I).

²⁵ See *id.* Art. VI(K).

²⁶ See *id.* Art. VII.

²⁷ See *id.* Arts. VIII, IX, X.

The United States negotiated the cooperation agreement pursuant to Section 123 of the Atomic Energy Act (AEA).²⁸ Subject to specified requirements,²⁹ including the negotiation of an agreement, the AEA permits the United States to transfer to another nation nuclear reactors (the key element of NNPPs), “major components” of reactors, and nuclear material for those reactors.³⁰ The act also permits, subject to particular constraints, the “communicat[ion] or exchange” with another nation of “[r]estricted [d]ata concerning research, development, or design, of military reactors.”³¹ The AUKUS agreement’s conditions and guarantees, noted above, were drafted to comply with these provisions. The statute also requires that agreements be submitted to Congress for review and possible rejection through the enactment of a joint resolution.³² The president submitted the AUKUS agreement in August; no objections were raised within the statutory period.³³ Australia and the United Kingdom are concluding steps under their domestic laws for the agreement’s entry into force.³⁴

²⁸ See 42 U.S.C. § 2153; Communication from the President of the United States Transmitting an Agreement Among the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation Related to Naval Nuclear Propulsion, H. Doc. 118–159 (Aug. 5, 2024), at <https://www.govinfo.gov/content/pkg/CDOC-118hdoc159/pdf/CDOC-118hdoc159.pdf> [<https://perma.cc/74TU-WHV8>] [hereinafter Presidential Communication].

²⁹ See 42 U.S.C. § 2153(a).

³⁰ 42 U.S.C. § 2121(c)(2)–(3).

³¹ 42 U.S.C. § 2164(c)(2).

³² See 42 U.S.C. § 2153(d).

³³ See Presidential Communication, *supra* note 28.

³⁴ See Parliament of Australia Joint Standing Committee on Treaties, Report 224: Agreement Among the Government of Australia, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United States of America for Cooperation Related to Naval Nuclear Propulsion (Nov. 2024), at https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000533/toc_pdf/Report224.pdf [<https://perma.cc/E9EY-AQJ7>] (recommending that binding treaty action be taken); UK Parliament, Treaties, Agreement, Done at Washington on 5 August 2024, Among the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Australia, and the Government of the United States of America for Cooperation Related to Naval Nuclear Propulsion, CP 1148 (Laid on 2 September 2024), at <https://treaties.parliament.uk/treaty/hE6aDSV7/CP-1148> [<https://perma.cc/E3SU-UBZV>] (noting that parliamentary scrutiny has concluded and that the government can ratify the treaty). In addition to garnering approval for entering into the cooperation agreement, the three states are taking other legislative and administrative steps to implement Pillar I. Congress had authorized the sale of three Virginia-class submarines to Australia. See AUKUS Submarine Transfer Authorization Act, § 1352, Pub. L. 118–31, 137 Stat. 136, 514 (Dec. 22, 2023) (authoring the sale of three submarines to Australia and preempting the application of 22 U.S.C. § 2776 and 10 U.S.C. § 8677 to the sale). The State Department approved a foreign military sale to Australia for training and training devices and equipment. See Defense Security and Cooperation Agency, Australia – AUKUS Pillar I Training and Training Devices (Dec. 1, 2023), at <https://www.dsca.mil/press-media/major-arms-sales/australia-aukus-pillar-i-training-and-training-devices> [<https://perma.cc/GY33-C94J>]. Australia has enacted legislation, including the Australian Naval Nuclear Power Safety Act 2024 and the Defence Amendment (Safeguarding Australia’s Military Secrets) Act 2024. Australia and the United Kingdom have finalized an updated defense and security cooperation agreement that will, among other things, facilitate AUKUS-related military exchanges. See Agreement Between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland for Defence and Security Cooperation (Mar. 21, 2024), at https://www.aph.gov.au/-/media/02_Parliamentary_Business/24_Committees/244_Joint_Committees/JSCT/2024/UK_Defence/Treaty_Text__UK_Ireland_Defence.pdf [<https://perma.cc/2WE9-L9SY>]. Australia and the United Kingdom have also initiated negotiations of a treaty that will “establish the strategic and operational framework for bilateral cooperation under AUKUS with a focus on the core elements of the delivery of SSN-AUKUS.” UK Ministry of Defence Press Release, First Ever UK-Hosted Meeting of AUKUS Defence Ministers as UK-Australia Set to Commence Defence Treaty Negotiations (Sept. 26, 2024), at <https://www.gov.uk/government/news/first-ever-uk-hosted-meeting-of-aukus-defence-ministers-as-uk-australia-set-to-commence-defence-treaty-negotiations> [<https://perma.cc/JDM3-NMET>].

AUKUS's second pillar calls for "accelerating and deepening the development and delivery of advanced military capabilities," such as undersea capabilities, quantum technologies, artificial intelligence, advanced cyber, hypersonic and counter-hypersonic capabilities, electronic warfare, innovation, and information sharing, through cross-border defense-sector collaboration and integration.³⁵ To help achieve this aim, the three countries have reformed their export control rules to allow license-free defense trade. In December 2023, the National Defense Authorization Act for Fiscal Year 2024 amended the Arms Export Control Act to require the president to "immediately exempt from the licensing or other approval requirements of [] exports and transfers . . . of defense articles and defense services" between the United States and Australia and the United Kingdom following a determination that each (1) has implemented comparable export controls to those of the United States for U.S.-origin defense articles and services and (2) has granted a comparable exemption from export controls rules for the United States.³⁶ The act also required the adoption of rules to establish "an expedited decision-making process, . . . for applications to export to Australia, the United Kingdom, and Canada commercial, advanced-technology defense articles and defense services that are not covered by an exemption."³⁷ Following the State Department's notification to Congress in August 2024³⁸ that comparable export control rules and reciprocal exemptions had been adopted by Australia³⁹ and the United Kingdom,⁴⁰ amendments to the Export Administration Regulations and the International Traffic in Arms Regulations, implementing the statute's licensing exemptions and establishing an expedited licensing process for those items not exempted, went into effect.⁴¹ Discussions are underway with Japan, Canada, New Zealand, and the Republic of Korea regarding possible cooperation with AUKUS on specific Pillar II projects.⁴²

³⁵ U.S. Dep't of Defense Press Release, AUKUS Defense Ministers Meeting Joint Statement (Dec. 1, 2023), at <https://www.defense.gov/News/Releases/Release/Article/3604511/aukus-defense-ministers-meeting-joint-statement> [<https://perma.cc/5J5Y-2TRG>].

³⁶ National Defense Authorization Act for Fiscal Year 2024, § 1343, Pub. L. 118-31, 137 Stat. 136, 510 (2023) (adding 22 U.S.C. § 2778(l)) [hereinafter 2024 NDAA]. The comparable U.S. export controls rules are those in 22 U.S.C. §§ 2778(j)(2)(A)(i), (ii), (iii), and (iv) and (j)(2)(B)(i), (ii) and (v).

³⁷ NDAA, *supra* note 36, Sec. 1344(a).

³⁸ U.S. Dep't of State Press Release, AUKUS Defense Trade Integration Determination (Aug. 15, 2024), at <https://www.state.gov/aukus-defense-trade-integration-determination> [<https://perma.cc/WK4Q-U482>].

³⁹ See Defence Trade Controls Amendment Act 2024 (Austl.), at <https://www.legislation.gov.au/C2024A00021/asmade/2024-04-08/text/2/pdf> [<https://perma.cc/JH6W-RKTK>].

⁴⁰ See Open General Licence – AUKUS Nations (Sept. 2024) (UK), at <https://assets.publishing.service.gov.uk/media/66bc8c8eb45d6a81cd314612/Open-General-Licence-AUKUS-Nations.pdf> [<https://perma.cc/VS3B-CW7E>]; see also Exchange of Notes on the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Regarding Defence Trade Cooperation in Support of AUKUS (Aug. 5, 2024), at https://assets.publishing.service.gov.uk/media/66d1a9848df4724cad1aeace/TS_62.2024_UK_USA_EoN_Defence_Trade_Cooperation_AUKUS.pdf [<https://perma.cc/9FCU-AWH3>].

⁴¹ See International Traffic in Arms Regulations: Exemption for Defense Trade and Cooperation Among Australia, the United Kingdom, and the United States, 89 Fed. Reg. 67270 (Aug. 20, 2024); Export Control Revisions for Australia, United Kingdom, United States (AUKUS) Enhanced Trilateral Security Partnership, 89 Fed. Reg. 28594 (Apr. 19, 2024).

⁴² See Third Anniversary Leaders Statement, *supra* note 6; U.S. Dep't of Defense Press Release, AUKUS Defense Ministers' Joint Statement (Apr. 8, 2024), at <https://www.defense.gov/News/Releases/Release/Article/3733790/aukus-defense-ministers-joint-statement> [<https://perma.cc/EC5H-AW97>].