

## S 3581

Defense Trade Cooperation Treaties Implementation Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** International Affairs

**Introduced:** Jul 14, 2010

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 586.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 586. (Sep 23, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/3581>

### Sponsor

**Name:** Sen. Lugar, Richard G. [R-IN]

**Party:** Republican • **State:** IN • **Chamber:** Senate

### Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Kyl, Jon [R-AZ]	R · AZ		Jul 26, 2010
Sen. McCain, John [R-AZ]	R · AZ		Jul 26, 2010
Sen. Webb, Jim [D-VA]	D · VA		Aug 3, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Foreign Relations Committee	Senate	Reported By	Sep 23, 2010

### Subjects & Policy Tags

#### Policy Area:

International Affairs

### Related Bills

Bill	Relationship	Last Action
111 S 3847	Related bill	<b>Oct 8, 2010:</b> Became Public Law No: 111-266.

Defense Trade Cooperation Treaties Implementation Act of 2010 - (Sec. 2) Amends the Arms Export Control Act (AECA) to exclude from the requirement to conclude a bilateral agreement in order to be exempt from defense export licensing requirements under such Act: (1) Canada; (2) the United Kingdom (UK) upon implementation of, and pursuant to the terms of, the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (London Treaty); and (3) Australia upon implementation of, and pursuant to the terms of, the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Sydney Treaty).

Permits the UK and Australia, pursuant to the appropriate Treaty's implementation, to retransfer defense items without prior consent of the President.

Exempts from the scope of such Treaties specified: (1) rocket systems or unmanned aerial vehicle systems and associated production facilities, software, or technology; (2) individual rocket stages, reentry vehicles and equipment, and associated production facilities, software, and technology; (3) defense articles and defense services for use in rocket systems, including associated production facilities, software, or technology; (4) toxicological agents, biological agents, and associated equipment; (5) nuclear weapons-related defense articles and defense services along with associated defense articles and technology; (6) with regard to the London Treaty, U.S.-controlled defense articles and services; and (7) with regard to the Sydney Treaty, defense articles for which Australian laws would prevent Australian enforcement of control measures specified in the Treaty.

(Sec. 3) Subjects a person who violates a Treaty or any implementing or enforcing rule or regulation to criminal penalties under the AECA.

Includes defense article or defense service enforcement actions pursuant to a Treaty within the scope of the President's civil enforcement authority.

Prohibits suppliers of defense articles or services exported pursuant to a Treaty from making incentive payments to satisfy part or all of an offset agreement with the UK and Australia.

(Sec. 4) Requires the President to notify Congress in advance of approving a defense article or service transfer pursuant to a Treaty if such transfer meets the same monetary thresholds that apply to other such transfers.

Includes specified Treaty transfers within the scope of existing: (1) antidiscrimination provisions; (2) annual estimate of sales provisions; (3) fee and political contribution provisions; and (4) export and technical assistance or manufacturing license congressional notification provisions.

(Sec. 5) Prohibits an amendment (other than an administrative or technical amendment) to an implementing arrangement concluded pursuant to a Treaty from entering into effect for the United States unless Congress adopts and enacts legislation approving such amendment's entry into effect for the United States.

Specifies amendments that such prohibition shall apply to.

Requires the President to notify Congress 15 days prior to the entry into effect of any technical or administrative amendment to one of the implementing arrangements. Authorizes the President to notify Congress within 5 days after an

amendment comes into effect if the President certifies to Congress that such immediate entry into effect is important to maintain a Treaty's viability.

(Sec. 6) Authorizes the President to issue regulations to implement and enforce the Treaties.

(Sec. 7) States that nothing in this Act, the Treaties, or in any regulation issued to implement either Treaty shall be construed to modify or supersede any provision of law or regulation other than the AECA, as amended by this Act, and the International Traffic in Arms Regulations.

### **Actions Timeline**

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- **Sep 23, 2010:** Committee on Foreign Relations. Reported by Senator Kerry with an amendment in the nature of a substitute and an amendment to the title. With written report No. 111-302.
- **Sep 23, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 586.
- **Sep 21, 2010:** Committee on Foreign Relations. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 14, 2010:** Introduced in Senate
- **Jul 14, 2010:** Sponsor introductory remarks on measure. (CR S5853-5854)
- **Jul 14, 2010:** Read twice and referred to the Committee on Foreign Relations. (text of measure as introduced: CR S5854)