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To enhance defense cooperation amongst member states of the Indo-Pacific Treaty Organization, harmonize allied export control regimes, expedite military technology transfers, and relax International Traffic in Arms Regulations for civilian aerospace purposes.

IN THE SENATE OF THE UNITED STATES

January 31, 2024

Mr. EMPERIO (for himself, Mr. PLURIBUS, Mr. HARRIS-CHAREST, Mr. RABB) submitted the following bill; which was referred to the Committee on Relations.

A BILL

To enhance defense cooperation amongst member states of the Indo-Pacific Treaty Organization, harmonize allied export control regimes, expedite military technology transfers, and relax International Traffic in Arms Regulations for civilian aerospace purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Interconnectedness and Export Streamlining Act" or the TIES Act.

SEC. 2. HARMONIZATION OF ALLIED EXPORT CONTROL REGIMES; ITAR EXEMPTION.

IN GENERAL.—Section 38 of the Arms Control Export Act (22 U.S.C. 2778) is amended by appending the following subsection: *tia*

“(I) IPTO DEFENSE COOPERATION.—

“(1) IN GENERAL.—No later than 3 months after this enactment of this section, and on an annual basis thereafter, the President shall determine and certify in writing to the relevant congressional committees whether a cooperating state has—

“(A) implemented a system of export controls comparable to the United States;

“(B) included comparable exemptions from export controls for the United States.

“(2) DEFINITIONS.—In this subsection:

(A) COOPERATING STATE.—The term “cooperating state” means any member of the Indo-Pacific Treaty Organization, including:

(i) The Commonwealth of Australia;

(ii) The Republic of Korea;

(iii) The Republic of India; and

(iv) Japan.

(B) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” includes the:

“(A) Committee on Ethics and Oversight of the House of Representatives; and

“(B) Committee on Relations of the Senate.

“(3) REPORTING REQUIREMENTS.—

“(A) POSITIVE ASSESSMENT.—If the President determines that a cooperating state has met the comparability standards of subparagraphs (A) and (B) of paragraph (1), the determination and certification of such shall include a detailed assessment of how a cooperating state has satisfied those individual requirements.

“(B) NEGATIVE ASSESSMENT.—If the President determines that a cooperating state has not met the comparability standards of subparagraphs (A) and (B) of paragraph (1), the determination of such shall include a detailed assessment of the

specific elements the cooperating state did not satisfy and the actions a cooperating state would need to take to meet those comparability standards.

“(C) TRANSMISSION.—The President shall also deliver an assessment made under paragraph (3) of this subsection to the relevant authorities of the cooperating state to which the assessment pertains to.

“(D) ANNEX.—Any assessment submitted to Congress or a cooperating state under this subsection may include a classified annex if deemed necessary by the President.

“(4) EXEMPTION.—Upon submittal of a determination and certification to the relevant congressional committees that a cooperating state has met the comparability standards of paragraph (1) of this subsection, the President shall immediately exempt from the licensing or other approval requirements of this section exports and transfers (including reexports, transfers, temporary imports, and brokering activities) of defense articles and defense services between the United States and that cooperating state or among other cooperating states.

“(5) SUSPENSION.—If the President determines that a cooperating state, previously certified under paragraph (1) of this subsection, no longer meets the comparability standards of subparagraphs (A) and (B) of paragraph (1), the President shall immediately suspend the exemption granted under paragraph (4) for that cooperating state, until such time that the cooperating state meets those standards again.”

SEC. 3. EXPEDITED MILITARY TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary of Defense, shall promulgate an anticipatory release policy for the transfer of technologies described in subsection (b) to cooperating states (as defined in section 38(l)(2)(A) of the Arms Control Export Act (22 U.S.C. 2778(l)(2)(A)) of the Indo-Pacific Treaty Organization, certified under section

38(l)(3)(A) of that Act, through Foreign Military Sales and Direct Commercial Sales not already covered by an exemption under the International Traffic in Arms Regulations.

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this section relate to:

- (1) cybersecurity and information warfare;
- (2) electronic warfare;
- (3) undersea warfare;
- (4) autonomous systems and artificial intelligence;
- (5) quantum technologies;
- (6) strategic communication and psychological operations; and
- (7) other advanced technologies.

SEC. 4. ITAR RELAXATION FOR CIVILIAN AEROSPACE PURPOSES.

(a) IN GENERAL.—No later than 1 year after the passage of this Act, the Secretary of State, in consultation with the Secretary of Defense (hereinafter referred to the as “the Secretaries”), shall promulgate new regulations to relax the International Traffic in Arms Regulations to enable the greater participation of nationals of certified cooperating states, pursuant to Indo-Pacific Treaty Organization and section 38(l)(2)(A) of the Arms Control Export Act (22 U.S.C. 2778(l)(2)(A), in the civilian space sector, for which purpose the Secretaries may consider—

- (1) amending the United States Munitions List (22 CFR 121.1), particularly technologies relating to rockets and satellite launch vehicles (SLVs); and
- (2) re-examining the ITAR definition of a U.S. person (22 CFR 120.62) to include such nationals who are employed by a recognized aerospace entity under a valid and lawfully issued visa or work authorization.

(b) VETTING PROCESS.—Any regulations made or modified under subsection (a) shall require that a national of a cooperating state pass a comprehensive vetting process which, according to the nature of their work, may include background investigations, national agency

checks, credit checks, foreign national assessments, security interviews, polygraph examinations, and any other scrutiny deemed appropriate.

(c) VIOLATION.—The Secretaries shall also be empowered to promulgate stringent new fines and penalties for any entity found in violation of regulations made or modified under subsection (a).

SEC. 5. ENACTMENT.

The provisions of this Act shall enter into force immediately upon passage.