

## S 149

Export Administration Act of 2001

**Congress:** 107 (2001–2003, Ended)

**Chamber:** Senate

**Policy Area:** Foreign Trade and International Finance

**Introduced:** Jan 23, 2001

**Current Status:** Held at the desk.

**Latest Action:** Held at the desk. (Sep 10, 2001)

**Official Text:** <https://www.congress.gov/bill/107th-congress/senate-bill/149>

### Sponsor

**Name:** Sen. Enzi, Michael B. [R-WY]

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

### Cosponsors (14 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Gramm, Phil [R-TX]	R · TX		Jan 23, 2001
Sen. Hagel, Chuck [R-NE]	R · NE		Jan 23, 2001
Sen. Johnson, Tim [D-SD]	D · SD		Jan 23, 2001
Sen. Roberts, Pat [R-KS]	R · KS		Jan 23, 2001
Sen. Sarbanes, Paul S. [D-MD]	D · MD		Jan 23, 2001
Sen. Stabenow, Debbie [D-MI]	D · MI		Jan 23, 2001
Sen. Bayh, Evan [D-IN]	D · IN		Feb 13, 2001
Sen. Bennett, Robert F. [R-UT]	R · UT		Feb 14, 2001
Sen. Reid, Harry [D-NV]	D · NV		Feb 14, 2001
Sen. Cantwell, Maria [D-WA]	D · WA		Feb 28, 2001
Sen. Bunning, Jim [R-KY]	R · KY		Mar 13, 2001
Sen. Crapo, Mike [R-ID]	R · ID		Mar 20, 2001
Sen. Allen, George [R-VA]	R · VA		Apr 3, 2001
Sen. Bingaman, Jeff [D-NM]	D · NM		Apr 30, 2001

### Committee Activity

Committee	Chamber	Activity	Date
Banking, Housing, and Urban Affairs Committee	Senate	Reported By	Apr 2, 2001

### Subjects & Policy Tags

**Policy Area:**

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
107 HR 2581	Related bill	<b>Mar 8, 2002:</b> Placed on the Union Calendar, Calendar No. 212.

Export Administration Act of 2001 - **Title I: General Authority** - Directs the Secretary of Commerce (Secretary) to establish a Commerce Control List. Specifies the kinds of export licenses the Secretary may require with respect to the export of an item on the Control List or otherwise subject to control under this Act. Provides, under specified circumstances, that a license shall not be required for the export of after-market service or replacement parts.

(Sec. 103) Requires the Secretary to keep the public fully informed of changes in export control policy and procedures instituted under this Act, and to consult regularly with representatives of a broad spectrum of enterprises and citizens interested in or affected by such controls in order to obtain their views on U.S. export control policy and the foreign availability or mass-market status of controlled items.

(Sec. 105) Authorizes the Secretary, in specified circumstances, to appoint export control advisory committees with respect to items controlled under this Act. Sets forth the functions of such committees, including advising the Secretary, and any other appropriate department, agency, or Government official, on actions (including all aspects of controls imposed or proposed) designed to carry out this Act with respect to such items.

(Sec. 106) Authorizes the President to establish a President's Technology Export Council to advise him on the implementation, operation, and effectiveness of this Act.

(Sec. 107) Prohibits the charging of a fee for the processing of an application for an export license issued under this Act.

**Title II: National Security Export Controls - Subtitle A: Authority and Procedures** - Authorizes the President to prohibit, curtail, or require a license, or other authorization for the export of an item subject to the national security export control regimes under this Act. Sets forth the purposes of such controls, including restriction on the export of items (including weapons of mass destruction) that would contribute to the military potential of countries so as to be detrimental to the national security of the United States.

(Sec. 202) Requires the Secretary to establish as part of the Commerce Control List a National Security Control List (NSCL) composed of items controlled for national security reasons. Requires the President to establish a country tiering system of at least three tiers, with countries representing the lowest risk of diversion or misuse of an item on the NSCL assigned the lowest tier, and countries representing the highest risk for such diversion or misuse of such item assigned to the highest tier.

**Subtitle B: Foreign Availability and Mass-Market Status** - Requires the Secretary (on a continuing basis, upon a request from the Office of Technology Evaluation, or upon receipt of a petition filed by an interested party) to review and determine the foreign availability and the mass-market status of any item for export control under this Act. Authorizes the President to set-aside the Secretary's foreign availability and mass-market status determinations, provided certain criteria are met. Requires the President to take specified action in cases in which export controls are maintained on an item because of a set-aside determination. Establishes the Office of Technology Evaluation which shall be responsible for gathering, coordinating, and analyzing information for the Secretary to make such determinations. Requires the Secretary to include in a certain annual report to specified congressional committees information on: (1) Office operations; and (2) improvements in the Government's ability to assess foreign availability and mass-market status, including information on the training of personnel and the use of Commercial Service Officers of the U.S. and Foreign Commercial Service to assist in making such determinations.

**Title III: Foreign Policy Export Controls** - Authorizes the President, subject to specified exceptions, to prohibit, curtail,

or require a license, other authorization, recordkeeping, or reporting for the export of an item subject to the foreign policy export control regimes under this Act. Requires the President to report to specified congressional committees before imposing a foreign policy export control. Provides for review, renewal, and termination of such controls.

(Sec. 310) Requires a license for the export to a terrorist-supporting country of any item that could make a significant contribution to the country's military potential, or could enhance its ability to support acts of international terrorism. Requires the Secretary and the Secretary of State to notify specified congressional committees at least 30 days before issuing such a license.

(Sec. 311) Authorizes the export of crime control and detection instruments and equipment through an export license approved by the Secretary, in order to promote respect for human rights. Requires the Secretary to report to Congress on the aggregate number of licenses approved during the preceding calendar year for the export of specified crime control equipment, including the country to which such equipment was exported to.

**Title IV: Procedures for Export Licenses and Interagency Dispute Resolution** - Sets forth procedures for the processing of export license applications, including their screening, referral, approval or denial, and review. Establishes an interagency dispute resolution process to review all export license applications with respect to which the Secretary and any referral agencies are not in agreement.

**Title V: International Arrangements; Foreign Boycotts; Sanctions; and Enforcement** - Declares it is U.S. policy to seek multilateral arrangements, and to continue to participate in existing and additional multilateral export control regimes, that: (1) support U.S. national security interests; and (2) establish fairer and more predictable competitive opportunities for U.S. exporters. Requires the President to report annually to specified congressional committees on the effectiveness of each multilateral export control regime, including an assessment of certain standards for such regimes and for national export control systems.

(Sec. 501) Requires the President to achieve specified objectives with respect to multilateral export control regimes, including: (1) strengthening existing regimes; (2) review and update multilateral regime export control lists; and (3) encourage compliance by nonmembers to such regimes.

(Sec. 502) Directs the President to issue regulations that prohibit, with specified exceptions, U.S. persons from supporting any boycott imposed by a foreign country against a country friendly to the United States that is not itself the object of a U.S. boycott. Sets forth both civil and criminal penalties for violations of this Act.

(Sec. 504) Provides, with specified exceptions, for the imposition of certain sanctions against U.S. and foreign persons who violate a missile proliferation control regime, or contribute to the efforts of a country to develop or acquire chemical and biological weapons. Authorizes the President to waive the imposition of such sanctions upon certifying specified facts to Congress.

(Sec. 506) Sets forth enforcement and administrative provisions with respect to this Act. Authorizes appropriations for the Department of Commerce to: (1) hire 20 additional employees to assist U.S. freight forwarders and other interested parties in developing and implementing, on a voluntary basis, a "best practices" program to ensure that controlled exports are in compliance with this Act; (2) hire ten additional overseas investigators to be posted in the People's Republic of China, the Russian Federation, the Hong Kong Special Administrative Region, the Republic of India, Singapore, Egypt, and Taiwan, or any other place the Secretary deems appropriate, for the purpose of verifying the end use of high-risk, dual-use technology (including items controlled under this Act); (3) plan, design, and procure a computer system to replace the Department's primary export licensing and computer enforcement system; (4) hire and train additional license

review officers, as well as train auditors and investigators conducting post-shipment verification checks; and (5) be used for compliance and enforcement activities for FY 2002 through 2005, plus additional amounts for increases in salary, pay, retirement, other employee benefits, and other nondiscretionary costs.

**Title VI: Export Control Authority and Regulations** - Declares that all export control authority (unless otherwise reserved to the President or another U.S. department or agency) conferred by this Act shall be exercised by the Secretary. Authorizes the President and the Secretary to issue regulations necessary to carry out this Act.

(Sec. 602) Exempts specified confidential information from disclosure requirements. Prescribes civil and criminal penalties for unauthorized disclosure of such information.

(Sec. 603) Declares that nothing in this Act authorizes the exercise of authority contrary to the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106-387) with respect to exports of agricultural commodities, medicine, or medical devices. Declares that title II of this Act does not authorize export controls on food, nor title III export controls on agricultural commodities, medicine, or medical devices unless certain procedures are complied with.

**Title VII: Miscellaneous Provisions** - Requires the Secretary to report annually to Congress on the administration of this Act.

(Sec. 702) Repeals specified Federal laws to make technical and conforming amendments.

Subjects certain civil aircraft equipment to export control under this Act. Declares that the Secretary may authorize, on a case-by-case basis, the export and reexport of civil aircraft equipment and technology that are necessary for compliance with flight safety requirements for commercial passenger aircraft.

## Actions Timeline

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- **Sep 10, 2001:** Message on Senate action sent to the House.
- **Sep 10, 2001:** Received in the House.
- **Sep 10, 2001:** Held at the desk.
- **Sep 6, 2001:** Considered by Senate. (consideration: CR 91300-9146, S9160-9181)
- **Sep 6, 2001:** The committee substitute as amended agreed to by Unanimous Consent.
- **Sep 6, 2001:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 85 - 14. Record Vote Number: 275.(text as passed Senate: CR S9163-9180)
- **Sep 6, 2001:** Passed Senate with an amendment by Yea-Nay Vote. 85 - 14. Record Vote Number: 275. (text as passed Senate: CR S9163-9180)
- **Sep 5, 2001:** Considered by Senate.
- **Sep 4, 2001:** Measure laid before Senate by unanimous consent. (consideration: CR S9018-9065; text of Title I as reported in Senate: CR S9019-9020; text of Title II as reported in Senate: CR H9020-9022; text of Title III as reported in Senate: CR S9022-9024; text of Title IV as reported in Senate: CR H9024-9026; text of Title V as reported in Senate: CR S9026-9032; text of Title VI as reported in Senate: CR S9032-9033; text of Title VII as reported in Senate: CR S9033-9034)
- **Apr 26, 2001:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S3937-3966)
- **Apr 26, 2001:** Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S3974)
- **Apr 2, 2001:** Committee on Banking, Housing, and Urban Affairs. Reported by Senator Gramm with an amendment in the nature of a substitute. With written report No. 107-10. Additional views filed.
- **Apr 2, 2001:** Committee on Banking, Housing, and Urban Affairs. Reported by Senator Gramm with an amendment in the nature of a substitute. With written report No. 107-10. Additional views filed.
- **Apr 2, 2001:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 26.
- **Mar 22, 2001:** Committee on Banking, Housing, and Urban Affairs. Ordered to be reported with amendments favorably.
- **Feb 14, 2001:** Committee on Banking, Housing, and Urban Affairs. Hearings held. Hearings printed: S.Hrg. 107-272.
- **Feb 7, 2001:** Committee on Banking, Housing, and Urban Affairs. Hearings held. Hearings printed: S.Hrg. 107-272.
- **Jan 23, 2001:** Introduced in Senate
- **Jan 23, 2001:** Sponsor introductory remarks on measure. (CR S460-461)
- **Jan 23, 2001:** Read twice and referred to the Committee on Banking, Housing, and Urban Affairs. (text of measure as introduced: CR S461-479)