

106TH CONGRESS  
2D SESSION

# H. R. 4417

To provide that the Secretary of Commerce have control over exports of satellites and related items, to provide certain procedures for exports of satellites and related items to the People's Republic of China, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2000

Mr. GEJDENSON (for himself, Mr. GOODLATTE, Mr. MENENDEZ, Mr. MANZULLO, Mr. BERMAN, Mr. ACKERMAN, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide that the Secretary of Commerce have control over exports of satellites and related items, to provide certain procedures for exports of satellites and related items to the People's Republic of China, and for other purposes.

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 "Satellite Exports With  
5 Security Act of 2000".

1 **SEC. 2. EXPORT CONTROLS ON SATELLITES AND RELATED**  
2 **ITEMS.**

3 (a) CONTROL OF SATELLITES AND RELATED  
4 ITEMS.—Notwithstanding any other provision of law, all  
5 satellites and related items that were on the Commerce  
6 Control List of dual-use items in the Export Administra-  
7 tion Regulations (15 CFR part 730 et seq.) on October  
8 16, 1998, and any other dual-use communications sat-  
9 ellites and related items shall be controlled under the Ex-  
10 port Administration Act of 1979, as continued in effect  
11 under the International Emergency Economic Powers Act.

12 (b) PROCEDURES FOR EXPORTS TO THE PEOPLE'S  
13 REPUBLIC OF CHINA.—The export of satellites and re-  
14 lated items intended for launch from a launch vehicle in  
15 or owned by the People's Republic of China shall be sub-  
16 ject to the following:

17 (1) Except in the case of an export under para-  
18 graph (3), if the Secretary of Commerce decides to  
19 approve any proposed export of satellites and related  
20 items intended for launch from a launch vehicle in  
21 or owned by the People's Republic of China, the Sec-  
22 retary shall refer the proposed export to the Sec-  
23 retary of Defense, who shall, not later than 20 days  
24 after the referral, notify the Secretary of Commerce  
25 of the approval or disapproval by the Secretary of  
26 Defense of the proposed export. If the Secretary of

1 Commerce and the Secretary of Defense disagree  
2 over approving or disapproving the proposed export,  
3 either Secretary may refer the matter to the Presi-  
4 dent for resolution. If the Secretary of Defense fails  
5 to notify the Secretary of Commerce with respect to  
6 the proposed export within that 20-day period, the  
7 Secretary of Commerce shall take action on the pro-  
8 posed export without the decision of the Secretary of  
9 Defense.

10 (2) If a proposed export is referred to the  
11 President under paragraph (1), the President shall,  
12 within 20 days after the referral, determine whether  
13 to approve or disapprove the proposed export and  
14 notify the Secretary of Commerce of the President's  
15 determination. The Secretary shall approve or dis-  
16 approve the proposed export in accordance with the  
17 President's determination.

18 (3) In the case of the proposed export of any  
19 satellite or related items otherwise subject to para-  
20 graph (1) that contain the identical technology to  
21 that approved under this subsection in a prior export  
22 to the same end user for the same end use, the sat-  
23 ellite or related items may be exported if the ex-  
24 porter notifies the Secretary of Commerce of the ex-

1 port at least 15 days before the export, and if the  
2 export is not disapproved within that 15-day period.

3 (c) RELATED ITEMS DEFINED.—In this section, the  
4 term “related items” means the satellite fuel, ground sup-  
5 port equipment, test equipment, payload adapter or inter-  
6 face hardware, replacement parts, and nonembedded solid  
7 propellant orbit transfer engines described in the report  
8 submitted to Congress by the Department of State on  
9 February 6, 1998, pursuant to section 38(f) of the Arms  
10 Export Control Act (22 U.S.C. 2778(f)).

11 (d) CONFORMING AMENDMENTS.—

12 (1)(A) Section 1513(a) of the Strom Thurmond  
13 National Defense Authorization Act for Fiscal Year  
14 1999 (22 U.S.C. 2778 note) is repealed.

15 (B) Section 1513(c) of that Act is amended by  
16 striking “(1) Subsection (a)” and all that follows  
17 through “(2)”.

18 (2)(A) Section 1404 of the National Defense  
19 Authorization Act for Fiscal Year 2000 (22 U.S.C.  
20 2778 note) is amended in the matter preceding  
21 paragraph (1) by striking “Secretary of State” and  
22 inserting “Secretary of Commerce”.

23 (B) Section 1410 of that Act, and the item re-  
24 lating to that section in the table of contents of that  
25 Act, are repealed.

1 (C) Section 1411(a) of that Act is amended by  
2 striking “Secretary of State and Secretary of De-  
3 fense, as appropriate,” and inserting “Secretary of  
4 Defense”.

5 (3)(A) Section 1309 of the Admiral James W.  
6 Nance and Meg Donovan Foreign Relations Author-  
7 ization Act, Fiscal Years 2000 and 2001 (as enacted  
8 by Public Law 106-113; 113 Stat. 1501A-460) is  
9 amended—

10 (i) by amending the section heading to  
11 read as follows:

12 **“SEC. 1309. OFFICE OF DEFENSE TRADE CONTROLS.”;**

13 (ii) by striking subsections (a) and (c); and

14 (iii) in subsection (b), by striking “(b) FI-  
15 NANCIAL AND PERSONNEL RESOURCES.—”.

16 (B) The table of contents of that Act is amend-  
17 ed by striking the item relating to section 1309 and  
18 inserting the following:

“Sec. 1309. Office of Defense Trade Controls.”.

19 **SEC. 3. MONITORING OF LAUNCHES.**

20 Section 1514(a)(2) of the Strom Thurmond National  
21 Defense Authorization Act for Fiscal Year 1999 (22  
22 U.S.C. 2778 note) is amended—

23 (1) in the first sentence of subparagraph (A)—

24 (A) by striking “a foreign country” and in-  
25 serting “the People’s Republic, and in the event

1 of the failure of a launch from a foreign coun-  
2 try”; and

3 (B) by inserting “or failure (as the case  
4 may be)” after “all aspects of the launch”; and

5 (2) in subparagraph (B), in the matter pre-  
6 ceding clause (i), by inserting “of a launch” after  
7 “monitoring”.

8 **SEC. 4. EFFECTIVE DATE.**

9 (a) IN GENERAL.—This Act and the amendments  
10 made by this Act shall take effect on the date of the enact-  
11 ment of this Act, and shall apply to any export license  
12 application made under the Arms Export Control Act be-  
13 fore such date of enactment which is pending on such  
14 date, and to any export license application made on or  
15 after such date.

16 (b) TRANSFER OF PENDING APPLICATIONS.—Any  
17 export license application made under the Arms Export  
18 Control Act before the date of the enactment of this Act,  
19 to which section 1(a) applies and which is pending on such  
20 date of enactment, shall be transferred to the Department  
21 of Commerce upon the enactment of this Act.

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