

**AMENDMENT TO H.R. 4310, AS REPORTED
OFFERED BY MR. SMITH OF WASHINGTON
(for himself and see attached list of cosponsors)**

At the end of title XII of division A of the bill, add the following:

1 **Subtitle E—Authority to Remove**
2 **Satellites and Related Components**
3 **and Technology From the**
4 **United States Munitions List**

5 **SEC. 1241. AUTHORITY TO REMOVE SATELLITES AND RE-**
6 **LATED COMPONENTS AND TECHNOLOGY**
7 **FROM THE UNITED STATES MUNITIONS LIST.**

8 (a) **AUTHORITY.**—Subject to subsection (b), the
9 President is authorized to remove commercial satellites
10 and related components and technology from the United
11 States Munitions List, consistent with the procedures in
12 section 38(f) of the Arms Export Control Act (22 U.S.C.
13 2778(f)).

14 (b) **DETERMINATION.**—The President may exercise
15 the authority provided in subsection (a) only if the Presi-
16 dent submits to the appropriate congressional committees
17 a determination that the transfer of commercial satellites
18 and related components and technology from the United

1 States Munitions List does not pose an unacceptable risk
2 to the national security of the United States. Such deter-
3 mination shall include a description of the risk-mitigating
4 controls, procedures, and safeguards the President will put
5 in place to reduce such risk to an absolute minimum.

6 (c) PROHIBITION.—No license or other authorization
7 for export shall be granted for the transfer, retransfer, or
8 reexport of any commercial satellite or related component
9 or technology contained on the Commerce Control List to
10 any person or entity of the following:

11 (1) The People’s Republic of China.

12 (2) Cuba.

13 (3) Iran.

14 (4) North Korea.

15 (5) Sudan.

16 (6) Syria.

17 (7) Any other country with respect to which the
18 United States would deny the application for licenses
19 and other approvals for exports and imports of de-
20 fense articles under section 126.1 of the Inter-
21 national Traffic in Arms Regulations.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of the enactment of this Act, and annually
25 thereafter, the Director of National Intelligence shall

1 submit to the appropriate congressional committees
2 on efforts of state sponsors of terrorism, other for-
3 eign countries, or entities to illicitly acquire commer-
4 cial satellites and related components and tech-
5 nology.

6 (2) FORM.—Such report shall be submitted in
7 unclassified form, but may contain a classified
8 annex.

9 (e) APPROPRIATE CONGRESSIONAL COMMITTEE DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the Committee on Foreign Relations, the
13 Committee on Armed Services, and the Select Com-
14 mittee on Intelligence of the Senate; and

15 (2) the Committee on Foreign Affairs, the
16 Committee on Armed Services, and the Permanent
17 Select Committee on Intelligence of the House of
18 Representatives.

19 **SEC. 1242. REPORT ON LICENSES AND OTHER AUTHORIZA-**
20 **TIONS TO EXPORT COMMERCIAL SATELLITES**
21 **AND RELATED COMPONENTS AND TECH-**
22 **NOLOGY CONTAINED ON THE COMMERCE**
23 **CONTROL LIST.**

24 (a) IN GENERAL.—Not later than 60 days after the
25 end of each calendar quarter, the President shall transmit

1 to the Committee on Banking, Finance, and Urban Affairs
2 of the Senate and the Committee on Foreign Affairs of
3 the House of Representatives a report containing a listing
4 of all licenses and other authorizations to export commer-
5 cial satellites and related components and technology con-
6 tained on the Commerce Control List.

7 (b) FORM.—Such report shall be submitted in unclas-
8 sified form, but may contain a classified annex.

9 **SEC. 1243. REVIEW OF UNITED STATES MUNITIONS LIST.**

10 Section 38(f)(1) of the Arms Export Control Act (22
11 U.S.C. 2778(f)(1)) is amended by striking the last sen-
12 tence and inserting the following: “Such notice shall in-
13 clude, to the extent practicable, an enumeration of the
14 item or items to be removed and describe the nature of
15 any controls to be imposed on the item or items under
16 any other provision of law.”.

17 **SEC. 1244. REPORT ON COUNTRY EXEMPTIONS FOR LI-**
18 **CENSING OF EXPORTS OF MUNITIONS AND**
19 **RELATED TECHNICAL DATA.**

20 (a) IN GENERAL.—Not later than 120 days after the
21 date of the enactment of this Act, the Attorney General
22 and Secretary of Homeland Security shall submit to the
23 appropriate congressional committees a report that con-
24 tains an assessment of the extent to which the terms and
25 conditions of an exemption for foreign countries from the

1 licensing requirements of the Commerce Munitions List
2 (or analogous controls for commercial satellites and re-
3 lated components and technology) contain strong safe-
4 guards.

5 (b) MATTERS TO BE INCLUDED.—The report shall
6 include a compilation of sufficient documentation relating
7 to the export of munitions, commercial spacecraft, and re-
8 lated technical data to facilitate law enforcement efforts
9 to effectively detect, investigate, deter, and enforce crimi-
10 nal violations of any provision of the Export Administra-
11 tion Regulations, including efforts on the part of state
12 sponsors of terrorism, other foreign countries, or entities
13 to illicitly acquire such controlled United States tech-
14 nology.

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means—

18 (1) the Committee on Armed Services and the
19 Committee on Banking, Housing, and Urban Affairs
20 of the Senate; and

21 (2) the Committee on Armed Services and the
22 Committee on Foreign Affairs of the House of Rep-
23 resentatives.

1 **SEC. 1245. END-USE MONITORING OF MUNITIONS AND RE-**
2 **LATED TECHNICAL DATA.**

3 (a) ESTABLISHMENT OF MONITORING PROGRAM.—
4 In order to ensure accountability with respect to the ex-
5 port of munitions and related technical data on the Com-
6 merce Munitions List, the President shall establish a pro-
7 gram to provide for the end-use monitoring of such muni-
8 tions and related technical data.

9 (b) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, and annually thereafter, the
11 President shall submit to Congress a report describing the
12 actions taken to implement this section, including a de-
13 tailed accounting of the costs and number of personnel
14 associated with the program established under subsection
15 (a).

16 **SEC. 1246. INTERAGENCY PROCESS FOR MODIFICATION OF**
17 **CATEGORY XV OF THE UNITED STATES MUNI-**
18 **TIONS LIST.**

19 (a) INTERAGENCY REVIEW.—Subject to the proce-
20 dures in section 38(f) of the Arms Export Control Act (22
21 U.S.C. 2778(f)), the President shall ensure that, through
22 interagency procedures or regulations, the Secretary of
23 State, the Secretary of Defense, the Secretary of Com-
24 merce, and as appropriate the Director of National Intel-
25 ligence concur on all subsequent modifications to Category

1 XV of the United States Munitions List (relating to space-
2 craft systems and associated equipment).

3 (b) ANNUAL REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of the enactment of this Act, and annually
6 thereafter, the President shall submit to the appro-
7 priate congressional committees a report on the re-
8 sults of the interagency reviews required by sub-
9 section (a).

10 (2) MATTERS TO BE INCLUDED.—The report
11 required under paragraph (1) shall include the fol-
12 lowing matters:

13 (A) A review of the space and space-re-
14 lated technologies currently on the United
15 States Munitions List, to include satellite sys-
16 tems, dedicated subsystems, and components.

17 (B) An assessment of the national security
18 risks of removing certain space and space-re-
19 lated technologies identified under subpara-
20 graph (A) from the United States Munitions
21 List.

22 (C) An examination of the degree to which
23 other nations' export control policies control or
24 limit the export of space and space-related tech-
25 nologies for national security reasons.

1 (D) Recommendations for—

2 (i) the space and space-related tech-
3 nologies that should remain on, or may be
4 candidates for removal from, the United
5 States Munitions List based on the na-
6 tional security review required under sub-
7 section (a);

8 (ii) the safeguards and verifications
9 necessary to—

10 (I) prevent the proliferation and
11 diversion of such space and space-re-
12 lated technologies;

13 (II) confirm appropriate end use
14 and end users; and

15 (III) minimize the risk that such
16 space and space-related technologies
17 could be use in foreign missile, space,
18 or other applications that could pose a
19 threat to the security of the United
20 States; and

21 (iii) improvements to the space export
22 control policy and processes of the United
23 States that do not adversely affect United
24 States national security.

1 (E) A description of and recommendations
2 regarding how the United States industrial base
3 and United States national security could be
4 enhanced and strengthened through reforms to
5 and amendments of export control laws and
6 regulations.

7 (3) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES DEFINED.—In this subsection, the term “ap-
9 propriate congressional committees” means—

10 (A) the Committee on Armed Services, the
11 Committee on Foreign Relations, and the Select
12 Committee on Intelligence of the Senate; and

13 (B) the Committee on Armed Services, the
14 Committee on Foreign Affairs, and the Perma-
15 nent Select Committee on Intelligence of the
16 House of Representatives.

17 **SEC. 1247. DEFINITIONS.**

18 In this subtitle:

19 (1) COMMERCE MUNITIONS LIST.—The term
20 “Commerce Munitions List” means items trans-
21 ferred from the United States Munitions List to the
22 Commerce Control List and designated as “600 se-
23 ries” items on the Commerce Control List under the
24 Export Administration Regulations, as proposed by
25 the Bureau of Industry and Security of the Depart-

1 ment of Commerce on July 15, 2011 (76 Fed. Reg.
2 41958), or any successor regulations.

3 (2) COMMERCIAL SATELLITES AND RELATED
4 COMPONENTS AND TECHNOLOGY.—The term “com-
5 mercial satellites and related components and tech-
6 nology” means—

7 (A) communications satellites that do not
8 contain classified components, including remote
9 sensing satellites with performance parameters
10 below thresholds identified on the United States
11 Munitions List; and

12 (B) systems, subsystems, parts, and com-
13 ponents associated with such satellites and with
14 performance parameters below thresholds speci-
15 fied for items that would remain on the United
16 States Munitions List.

17 (3) EXPORT ADMINISTRATION REGULATIONS.—
18 The term “Export Administration Regulations”
19 means the Export Administration Regulations as
20 maintained and amended under the authority of the
21 International Emergency Economic Powers Act (50
22 U.S.C. 1701 et seq.), or any successor regulations.

23 (4) STATE SPONSOR OF TERRORISM.—The term
24 “state sponsor of terrorism” means any country the
25 government of which the Secretary of State has de-

1 terminated has repeatedly provided support for acts of
2 international terrorism pursuant to section 6(j) of
3 the Export Administration Act of 1979, section
4 620A of the Foreign Assistance Act of 1961, section
5 40 of the Arms Export Control Act, or any other
6 provision of law.

7 (5) UNITED STATES MUNITIONS LIST.—The
8 term “United States Munitions List” means the list
9 referred to in section 38(a)(1) of the Arms Export
10 Control Act (22 U.S.C. 2778(a)(1)).

