

AMENDMENT TO RULES COMM. PRINT 118-36
OFFERED BY MRS. WAGNER OF MISSOURI

At the end of subtitle C of title XVII, insert the following:

1 **SEC. 17___ . MODIFICATION TO CONSIDERATION OF CER-**
2 **TAIN PROPOSALS WITH RESPECT TO THE EN-**
3 **TITY LIST.**

4 Section 1754 of the Export Control Reform Act of
5 2018 (50 U.S.C. 4813) is amended by adding at the end
6 the following:

7 “(g) EXPEDITED CONSIDERATION OF PROPOSALS
8 FOR ADDITIONS TO, REMOVALS FROM, OR OTHER MODI-
9 FICATIONS WITH RESPECT TO ENTITIES ON THE ENTITY
10 LIST.—

11 “(1) IN GENERAL.—Any member of the End-
12 User Review Committee may submit a proposal di-
13 rectly to the Committee requesting a vote of all
14 members of the Committee for additions to, remov-
15 als from, or other modifications with respect to the
16 Entity List. A proposal to add an entity to the Enti-
17 ty List shall be made in accordance with the provi-
18 sions of paragraph (3).

1 “(2) CONSIDERATION.—Subject to paragraph
2 (4)(B), the End-User Review Committee shall vote
3 to approve or disapprove a proposal submitted under
4 paragraph (1) not later than 30 days after the date
5 on which the proposal is submitted to the Com-
6 mittee.

7 “(3) ADDITIONS TO THE ENTITY LIST.—

8 “(A) IN GENERAL.—An entity shall be
9 added to the Entity List if the End-User Re-
10 view Committee by majority vote of its members
11 has determined that the entity has engaged, is
12 engaged, or is at risk of engaging in activities
13 contrary to the national security or foreign pol-
14 icy interests of the United States.

15 “(B) LICENSING POLICY.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), there shall be in effect a policy of pre-
18 sumption of denial for all applications for
19 a license to export, reexport, or in-country
20 transfer any item subject to the Export
21 Administration Regulations if an entity
22 added to the Entity List under this sub-
23 section is or would be a party to a trans-
24 action with respect to which the applica-
25 tion applies.

1 “(ii) EXCEPTION.—The licensing pol-
2 icy required by clause (i) shall not apply
3 with respect an entity described in such
4 clause if the members of the End-User Re-
5 view Committee that voted to add the enti-
6 ty to the Entity List under this subsection
7 agree by majority vote of such members to
8 apply a different policy with respect to the
9 entity for all or specific types of items sub-
10 ject to the Export Administration Regula-
11 tions that would be in the national security
12 and foreign policy interests of the United
13 States.

14 “(C) RULE OF CONSTRUCTION.—Nothing
15 in this paragraph may be construed to limit or
16 otherwise affect the escalation procedures de-
17 scribed in part 750 of the Export Administra-
18 tion Regulations.

19 “(4) ADMINISTRATIVE PROVISIONS.—

20 “(A) IN GENERAL.—Each member of the
21 End-User Review Committee shall have 1 vote
22 with respect to matters described in this sub-
23 section. The chairperson of the Committee shall
24 not be a voting member with respect to matters
25 described in this subsection and shall not have

1 the authority to make determinations or over-
2 ride any voting decision with respect to such
3 matters.

4 “(B) SUSPENSION OF VOTING PERIOD.—
5 The chairperson of the End-User Review Com-
6 mittee may suspend the 30-day voting period
7 described in paragraph (2) if the members of
8 the Committee unanimously agree to postpone
9 the vote.

10 “(C) NOTICE TO EXPORTERS.—The End-
11 User Review Committee may provide notice to
12 exporters of items subject to the Export Admin-
13 istration Regulation on an individual basis that
14 an entity has been included on the Entity List
15 under this subsection as opposed to providing
16 general notice by making an amendment to the
17 Export Administration Regulations only if the
18 members of the Committee unanimously agree
19 to do so.

20 “(D) NOTICE; IMPLEMENTING AUTHOR-
21 ITY.—The chairperson of the End-User Review
22 Committee shall notify the Assistant Secretary
23 of Commerce for Export Administration of all
24 final decisions of the Committee with respect to
25 additions to, removals from, or other modifica-

1 tions with respect to the Entity List under this
2 subsection not later than 5 days after the deci-
3 sion is made. The Assistant Secretary of Com-
4 merce for Export Administration shall be re-
5 sponsible for implementing all such modifica-
6 tions immediately.

7 “(5) DEFINITIONS.—In this subsection—

8 “(A) the terms ‘End-User Review Com-
9 mittee’ and ‘Committee’ mean—

10 “(i) the End-User Review Committee
11 established under section 744.16(d) of title
12 15, Code of Federal Regulations; and

13 “(ii) any successor committee; and

14 “(B) the term ‘Entity List’ means the list
15 maintained by the Bureau of Industry and Se-
16 curity of the Department of Commerce and set
17 forth in Supplement No. 4 to part 744 of the
18 Export Administration Regulations, or suc-
19 cessor regulations.”.

