

Maintaining American Superiority by Improving Export Control Transparency Act

[Public Law 119–34]

[This law has not been amended]

[Currency: This publication is a compilation of the text of Public Law 119–34. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

AN ACT To amend the Export Control Reform Act of 2018 relating to licensing transparency.

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

SECTION 1. [50 U.S.C. 4801 note] SHORT TITLE.

This Act may be cited as the “Maintaining American Superiority by Improving Export Control Transparency Act”.

SEC. 2. LICENSING TRANSPARENCY.

Section 1756 of the Export Control Reform Act of 2018 (50 U.S.C. 4815) is amended by adding at the end the following:

“(e) REPORT.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this subsection, and not less frequently than annually thereafter, the Secretary, shall, subject to the availability of appropriations, submit to the appropriate congressional committees a report on end-use checks related to, as well as license applications and other requests for authorization for the export, reexport, release, and in-country transfer of items controlled under this part to covered entities.

“(2) ELEMENTS.—The report required by paragraph (1) shall include, with respect to the preceding one year-period, the following:

“(A) For each license application or other request for authorization, the name of the entity submitting the application, a brief description of the item (including the Export Control Classification Number (ECCN) and reason for control, if applicable), the name of the end-user, the end-user’s location, a value estimate, decision with respect to the license application or authorization, and the date of submission.

“(B) The date, location, and result of any end-use checks, to ensure compliance with United States export controls.

“(C) Aggregate statistics on all license applications and other requests for authorization as described in subparagraph (A).

(3) CONFIDENTIALITY OF INFORMATION.—The information required to be provided in the reports required by this subsection (other than the information required by paragraph (2)(C)) shall be exempt from public disclosure pursuant to section 1761(h)(1).

(4) PROTECTING ENFORCEMENT INFORMATION.—In preparing and submitting a report under subsection (e), the Secretary shall ensure that information that may jeopardize an ongoing investigation shall not be included in the contents of the report.

“(5) DEFINITIONS.—In this subsection—

“(A) the term ‘appropriate congressional committees’ means—

"(i) the Committee on Foreign Affairs of the House of Representatives; and

"(ii) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(B) the term ‘covered entity’ means any entity that—
“(i) is located in a country listed in Country Group

D:5 under Supplement No. 1 to part 740 of title 15, Code of Federal Regulations; and

“(ii) is included on—

"(I) the list maintained and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations; or

"(II) the list maintained and set forth in Supplement No. 7 to part 744 of the Export Adminis-

plement No. 7 to part 744 of the Export Administration Regulations.”.