

107TH CONGRESS  
1ST SESSION

# H. R. 1898

To amend the Arms Export Control Act to update the export licensing requirements under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Mr. FLAKE introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To amend the Arms Export Control Act to update the export licensing requirements under that Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “International Commerce Enhancement Act”.

6 **SEC. 2. REFERENCES.**

7       Except as otherwise specifically provided in this Act,  
8 whenever in this Act an amendment or repeal is expressed  
9 as the amendment or repeal of a section or other provision,  
10 the reference shall be considered to be made to a section

1 or other provision of the Arms Export Control Act (22  
2 U.S.C. 2751 et seq.).

3 **SEC. 3. FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS.**

5 (a) **VALUE OF DEFENSE ARTICLES AND SERVICES.**—  
6 Section 3(d) (22 U.S.C. 2753(d)) is amended in para-  
7 graphs (1) and (3)(A)—

8 (1) by striking “\$14,000,000” each place it ap-  
9 pears and inserting “\$25,000,000”; and  
10 (2) by striking “\$50,000,000” each place it ap-  
11 pears and inserting “\$85,000,000”.

12 (b) **TRANSFERS WITH RESPECT TO NATO AND**  
13 **MAJOR NON-NATO COUNTRIES.**—Section 3(d) (22  
14 U.S.C. 2753(d)) is amended—

15 (1) in paragraph (2)—  
16 (A) in subparagraph (A), by striking “Ex-  
17 cept as provided in subparagraph (B), unless”  
18 and inserting “Unless”; and  
19 (ii) in subparagraph (B) to read as  
20 follows:

21 “(B) Subparagraph (A) shall not apply in the case  
22 of a proposed transfer to the North Atlantic Treaty Orga-  
23 nization, or any member country of such Organization,  
24 Japan, Australia, or New Zealand.”; and

1 (iii) in subparagraph (C), by striking  
2 “or (B)”; and

3 (2) in paragraph (3)—

4 (A) in the second sentence of subparagraph (A), by striking “shall be submitted” and  
5 all that follows through “unless the President”  
6 and inserting “shall be submitted at least 30  
7 calendar days before such consent is given in  
8 the case of a transfer to a country other than  
9 a country which is a member of the North At-  
10 lantic Treaty Organization, Japan, Australia, or  
11 New Zealand, unless the President”;

13 (B) in the third sentence of subparagraph  
14 (A), by striking “(thus waiving the require-  
15 ments of clause (i) or (ii), as the case may be,  
16 and of subparagraph (B))”; and

17 (C) in subparagraph (B)—

18 (i) by striking “15-day or”; and

19 (ii) by striking “ subparagraph (A)(i)  
20 or (ii), as the case may be,” and inserting  
21 “ subparagraph (A) ”.

## 22 SEC. 4. MILITARY EXPORT CONTROLS.

23 (a) VALUE OF DEFENSE ARTICLES AND SERVICES.—  
24 Section 36 (22 U.S.C. 2776) is amended in the first sen-  
25 tence of subsections (b)(1) and (c)(1)—

3 (2) by striking “\$50,000,000” each place it ap-  
4 pears and inserting “\$85,000,000”.

5 (b) TRANSFERS WITH RESPECT TO NATO AND  
6 MAJOR NON-NATO COUNTRIES.—Section 36 (22 U.S.C.  
7 2776) is amended—

8 (1) in subsection (b)—

9 (A) in the matter following subparagraph  
10 (P) of paragraph (1), by striking “proposed  
11 sale to the North Atlantic Treaty Organization,  
12 any member country of such Organization,  
13 Japan, Australia, or New Zealand, if the Con-  
14 gress, within fifteen calendar days after receiv-  
15 ing such certification, or with respect to a pro-  
16 posed sale to any other country or organiza-  
17 tion,” and inserting “proposed sale to a country  
18 other than a country which is a member of the  
19 North Atlantic Treaty Organization, Japan,  
20 Australia, or New Zealand, or to any other or-  
21 ganization,”; and

22 (B) in paragraph (2), strike “, except that  
23 for purposes of consideration of any joint reso-  
24 lution” and all that follows through “its intro-  
25 duction”;

1 (2) in subsection (c)(2)—

2 (A) in subparagraph (A)—

3 (i) by striking “the North Atlantic  
4 Treaty Organization, any member country  
5 of that Organization, Japan, Australia, or  
6 New Zealand” and inserting “a country  
7 other than a country which is a member of  
8 the North Atlantic Treaty Organization,  
9 Japan, Australia, or New Zealand, or to  
10 any other organization”;

11 (ii) by striking “15” each place it ap-  
12 pears and inserting “30”; and

13 (iii) by adding “and” at the end;

14 (B) in subparagraph (B), by striking “;  
15 and” and inserting a period; and

16 (C) by striking subparagraph (C); and

17 (3) in subsection (d)—

18 (A) in paragraph (2), by striking “shall be  
19 submitted” and all that follows through “unless  
20 the President” and inserting “shall be sub-  
21 mitted at least 30 days before approval is given  
22 in the case of an agreement for or in a country  
23 other than a country which is a member of the  
24 North Atlantic Treaty Organization, Japan,

1                   Australia, or New Zealand, unless the Presi-  
2                   dent”; and

3                   (B) in paragraph (4)—  
4                       (i) by striking “15-day or”; and  
5                       (ii) by striking “paragraph (2)(A) or  
6                       (B), as the case may be,” and inserting  
7                       “paragraph (2)”.

8                   (c) LICENSE APPLICATIONS FOR COMMERCIAL  
9                   SALES.—Section 36(c)(1) (22 U.S.C. 2776(c)(1)) is  
10                   amended in the first sentence by striking “sold under a  
11                   contract” each place it appears and inserting “to be sold  
12                   under a contract, proposed contract, or formal proposal  
13                   of sale”.

14                   **SEC. 5. LEASES OF DEFENSE ARTICLES AND LOAN AUTHOR-  
15                   ITY FOR COOPERATIVE RESEARCH AND DE-  
16                   VELOPMENT PURPOSES.**

17                   (a) VALUE OF DEFENSE ARTICLES.—Section 63(a)  
18                   (22 U.S.C. 2796b(a)) is amended—

19                       (1) by striking “\$14,000,000” and inserting  
20                       “\$25,000,000”; and  
21                       (2) by striking “\$50,000,000” and inserting  
22                       “\$85,000,000”.

23                   (b) TRANSFERS WITH RESPECT TO NATO AND  
24                   MAJOR NON-NATO COUNTRIES.—Chapter 6 (22 U.S.C.  
25                   2796) is amended—

10 (2) in section 63(a)—

11 (A) by striking “15-day or”; and  
12 (B) by striking “section 62(c) (1) or (2),  
13 as the case may be,” and inserting “section  
14 62(c)”.