

118TH CONGRESS
2D SESSION

H. R. 7151

To amend the Export Control Reform Act of 2018 to provide for expedited consideration of proposals for additions to, removals from, or other modifications with respect to entities on the Entity List, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2024

Mrs. WAGNER (for herself and Mr. McCAUL) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To amend the Export Control Reform Act of 2018 to provide for expedited consideration of proposals for additions to, removals from, or other modifications with respect to entities on the Entity List, 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 “Export Control En-
5 forcement and Enhancement Act”.

1 **SEC. 2. EXPEDITED CONSIDERATION OF PROPOSALS FOR**
2 **ADDITIONS TO, REMOVALS FROM, OR OTHER**
3 **MODIFICATIONS WITH RESPECT TO ENTITIES**
4 **ON THE ENTITY LIST.**

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

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

12 “(1) IN GENERAL.—The Secretary of State, the
13 Secretary of Defense, the Secretary of Energy, or
14 the heads of other Federal agencies as appropriate
15 may submit to the Secretary proposals for additions
16 to, removals from, or other modifications with re-
17 spect to entities on the list required by subsection
18 (a).

19 “(2) CONSIDERATION BY COMMITTEE.—The
20 Secretary shall submit to the Committee each pro-
21 posal submitted under paragraph (1) and, subject to
22 paragraph (3), the Committee shall vote to approve
23 or disapprove the proposal by not later than the date
24 that is 30 days after the date on which the Com-
25 mittee receives the proposal from the Secretary.

1 “(3) ADDITIONAL INFORMATION.—The Chair of
 2 the Committee, with the concurrence of the head of
 3 the Federal agency that submitted the proposal
 4 under paragraph (1), may suspend the time period
 5 specified in paragraph (2) with respect to consider-
 6 ation of the proposal if the Chair and the head of
 7 the agency determine that additional information is
 8 required in order make a determination with respect
 9 to the proposal.

10 “(4) COMMITTEE DEFINED.—In this sub-
 11 section, the term ‘Committee’ means—

12 “(A) the End-User Review Committee es-
 13 tablished under section 744.16(d) of title 15,
 14 Code of Federal Regulations; or

15 “(B) any successor committee.”.

16 **SEC. 3. LICENSING AND PRESUMPTION OF DENIAL RE-**
 17 **QUIREMENTS RELATING TO THE ENTITY**
 18 **LIST.**

19 (a) IN GENERAL.—The Secretary of Commerce
 20 shall—

21 (1) require a license for the export, reexport,
 22 release, or in-country transfer of any item (including
 23 software and technology) included on the Commerce
 24 Control List that is controlled for national security
 25 reasons to or in a country subject to an embargo, in-

cluding an arms embargo, imposed by the United States or to any foreign person included on the Entity List; and

(2) except as provided by subsection (b), apply a presumption of denial for an export, reexport, release, or in-country transfer of an item described in paragraph (1).

(b) EXCEPTION.—

(1) IN GENERAL.—The Secretary is not required to apply a presumption of denial under subsection (a)(2) for an export, reexport, release, or in-country transfer of an item described in subsection (a)(1) if the Secretary, in concurrence with all the members of the Committee determines that the recipient of the item has, by clear and convincing evidence, demonstrated in detail that the item will not be diverted or otherwise used for any purpose outside its intended end-use and end-user.

(2) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit the appropriate congressional committees a notification not later than 15 days after—

(A) the Secretary makes a determination under paragraph (1) not to apply a presumption of denial; or

1 (B) removing the national security as the
2 reason for a control on any item on the Com-
3 merce Control List.

4 (c) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs of
9 the House of Representatives; and

10 (B) the Committee on Banking, Housing,
11 and Urban Affairs of the Senate.

12 (2) COMMERCE CONTROL LIST.—The term
13 “Commerce Control List” means list maintained by
14 the Bureau of Industry and Security of the Depart-
15 ment of Commerce and set forth in Supplement No.
16 1 to Part 774 of the Export Administration Regula-
17 tions.

18 (3) COMMITTEE.—The term “Committee”
19 means—

20 (A) the End-User Review Committee es-
21 tablished under section 744.16(d) of title 15,
22 Code of Federal Regulations; or

23 (B) any successor committee.

24 (4) ENTITY LIST.—The term “Entity List”
25 means the list maintained by the Bureau of Industry

1 and Security of the Department of Commerce and
2 set forth in Supplement No. 4 to part 744 of the
3 Export Administration Regulations, or successor
4 regulations.

5 (5) EXPORT ADMINISTRATION REGULATIONS.—
6 The term “Export Administration Regulations”
7 means the regulations set forth in subchapter C of
8 chapter VII of title 15, Code of Federal Regulations,
9 or successor regulations.

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