

# Congress of the United States

Washington, DC 20515

March 6, 2002

Dear Colleague:

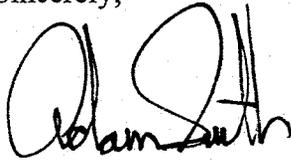
We are writing to urge you to oppose the Manager's amendment before the Committee. A careful analysis of these amendments reveals serious flaws that will undermine the President's efforts to develop and implement a new and more effective system of national security export controls.

1. The export of high performance computing technology amendment will tie the President's hands by ordering him to develop a product-specific export monitoring and control system. H.R. 2581 does not dictate to the President how he should control any other specific class of products and technology. It doesn't tell the President how, for example, to control products and technology used to produce chemical and biological weapons. The President, drawing on the expertise of the Departments of Defense, Commerce, State and Energy, is capable of deciding how high performance computing technology should be controlled for national security purposes. The Administration is already considering a range of options for improved computer export controls. This amendment is counterproductive since it prejudices those deliberations.
2. The deemed export provision will also tie the President's hands and complicate valuable science exchanges between American companies and our allies. The Administration has already recognized the need to improve the export control system for deemed exports. Rather than forcing a particular system on the President, this Committee should provide him the flexibility to draw on the expertise in the Departments of Defense, Commerce, State and Energy to develop and implement the best possible system.
3. By substituting "could" for "would", the presumption of denial and the license review process create such a vague statutory standard that the authority to administer export controls in a manner that effectively advances U.S. national security will be compromised. In practice, such a vague standard will frustrate the effective administration of export controls by misdirecting focus and resources away from exports that are most relevant to U.S. national security interests.
4. The foreign availability and mass market amendment is another example of a proposal that is problematic. If a product is either available from foreign sources or available in such mass quantities as to be impossible to control, then a related multilateral export control regime is flawed since it makes no sense to use scarce resources to control products that are not susceptible to being controlled.
5. The resolution of interagency dispute resolution process amendment is a problem. It will force the President to become an export licensing officer since the requirement of unanimous concurrence at the interagency level will clearly force the President to become involved.

6. The export of commercial communications satellites to NATO allies and other friendly countries will continue to be a problem for US manufacturers by dropping Title VII of the HIRC-reported bill. The HIRC amendment had retained all the national security provisions written into law by this Committee in 1998 and 1999 and also maintained all current legislative and administrative bars to launching in China. The deletion of this provision will simply make it easier for foreign competitors of this important industry to undermine our US companies.

We appreciate your consideration of these views and look forward to continuing our work on this important measure as it moves through the legislative process and to the Floor of the House.

Sincerely,



Adam Smith  
Member of Congress



Ellen Tauscher  
Member of Congress



Rick Larsen  
Member of Congress