

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3211

To authorize the President to determine the appropriate export controls of satellites and related items based on the national security and foreign policy objectives of the United States, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 21, 2012

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To authorize the President to determine the appropriate export controls of satellites and related items based on the national security and foreign policy objectives of the United States, 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 “Safeguarding United  
5       States Satellite Leadership and Security Act of 2012”.

1 **SEC. 2. AUTHORITY TO DETERMINE APPROPRIATE EXPORT**  
2 **CONTROLS FOR SATELLITES AND RELATED**  
3 **ITEMS.**

4 Notwithstanding any other provision of law, the  
5 President is authorized to determine the appropriate ex-  
6 port controls of satellites and related items and transfer  
7 such items based on national security and foreign policy  
8 objectives from the jurisdiction of the International Traf-  
9 fic in Arms Regulations (22 C.F.R. part 120 et seq.) to  
10 the Export Administration Regulations (15 C.F.R. part  
11 730 et seq.), consistent with the procedures in section  
12 38(f) of the Arms Export Control Act (22 U.S.C.  
13 2778(f)).

14 **SEC. 3. PROHIBITION ON TRANSFERS TO THE PEOPLE'S RE-**  
15 **PUBLIC OF CHINA.**

16 No satellite or related item made subject to the juris-  
17 diction of the Export Administration Regulations pursu-  
18 ant to section 2 may be transferred, directly or indirectly,  
19 to the Government of the People's Republic of China or  
20 any entity or person in or acting for or on behalf of the  
21 People's Republic of China or launched in the People's Re-  
22 public of China or as part of a launch vehicle owned, oper-  
23 ated, or manufactured by the Government of the People's  
24 Republic of China.

1 **SEC. 4. PROHIBITION ON TRANSFERS TO STATE SPONSORS**  
2 **OF TERRORISM AND NORTH KOREA.**

3 No satellite or related item made subject to the juris-  
4 diction of the Export Administration Regulations pursu-  
5 ant to section 2 may be transferred, directly or indirectly,  
6 to—

7 (1) North Korea, Cuba, Iran, Sudan, Syria, or  
8 any country that is designated by the Secretary of  
9 State as supporting international terrorism under  
10 section 6 of the Export Administration Act (50  
11 U.S.C. App. 2405(j) (as continued in effect pursuant  
12 to the International Emergency Economic Powers  
13 Act; 50 U.S.C. 1701 et seq.)), section 40 of the  
14 Arms Export Control Act (22 U.S.C. 2780), or sec-  
15 tion 620A of the Foreign Assistance Act of 1961 (22  
16 U.S.C. 2371);

17 (2) any entity or person in or acting for or on  
18 behalf of such a country; or

19 (3) as part of a launch vehicle owned, operated,  
20 or manufactured by the government of such a coun-  
21 try.

22 **SEC. 5. RULE OF CONSTRUCTION REGARDING PRESI-**  
23 **DENTIAL WAIVER AUTHORITY.**

24 Nothing in this Act shall be construed as removing  
25 or limiting the waiver authority of the President under  
26 part 126 of the International Traffic in Arms Regulations

1 (22 C.F.R. part 126), as in effect on the date of the enact-  
2 ment of this Act.

3 **SEC. 6. RULE OF CONSTRUCTION REGARDING SPECIAL EX-**  
4 **PORT CONTROL AUTHORITIES.**

5 Nothing in this Act shall be construed as removing  
6 or limiting existing authorities of the President under sec-  
7 tion 1514 (a) and (b) of the Strom Thurmond National  
8 Defense Authorization Act for Fiscal Year 1999 (Public  
9 Law 105-261; 22 U.S.C. 2778 note) with respect to de-  
10 fense articles that remain subject to the jurisdiction of the  
11 International Traffic in Arms Regulations or to otherwise  
12 take such actions as are necessary to implement require-  
13 ments for improving national security controls in the ex-  
14 port licensing of satellites, launch vehicles, and related  
15 items.

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