

## AMENDMENTS

1985—Par. (3). Pub. L. 99-64, §117(1), inserted “natural or manmade substance.”

Par. (4). Pub. L. 99-64, §117(2), amended par. (4) generally, substituting “the term ‘technology’ means the information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves;” for “the information and knowhow that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves; and”.

Pars. (5) to (8). Pub. L. 99-64, §117(3), (4), added pars. (5) to (7) and redesignated former par. (5) as (8).

## DELEGATION OF FUNCTIONS

Functions conferred upon President under this section delegated to Secretary of Commerce by Ex. Ord. No. 12214, May 2, 1980, 45 F.R. 29783, set out under section 2403 of this Appendix.

**§ 2416. Effect on other Acts****(a) In general**

Except as otherwise provided in this Act [sections 2401 to 2420 of this Appendix], nothing contained in this Act [sections 2401 to 2420 of this Appendix] shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

**(b) Coordination of controls**

The authority granted to the President under this Act [sections 2401 to 2420 of this Appendix] shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

**(c) Civil aircraft equipment**

Notwithstanding any other provision of law, any product (1) which is standard equipment, certified by the Federal Aviation Administration, in civil aircraft and is an integral part of such aircraft, and (2) which is to be exported to a country other than a controlled country, shall be subject to export controls exclusively under this Act [sections 2401 to 2420 of this Appendix]. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act [22 U.S.C. 2778(b)(2)].

**(d) Nonproliferation controls**

(1) Nothing in section 5 or 6 of this Act [section 2404 or 2405 of this Appendix] shall be construed to supersede the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 [42 U.S.C. 2139a(c)].

(2) With respect to any export license application which, under the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 [42 U.S.C. 2139a(c)], is referred to the Subgroup on Nuclear Export Coordination or other interagency group, the provisions of section 10 of this Act [section 2409 of this Appendix] shall apply with respect to such license application only to the extent that they are consistent with such published proce-

dures, except that if the processing of any such application under such procedures is not completed within 180 days after the receipt of the application by the Secretary, the applicant shall have the rights of appeal and court action provided in section 10(j) of this Act [section 2409(j) of this Appendix].

**(e) Termination of other authority**

On October 1, 1979, the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611-1613d), is superseded.

**(f) Agricultural Act of 1970**

Nothing in this Act [sections 2401 to 2420 of this Appendix] shall affect the provisions of the last sentence of section 812<sup>1</sup> of the Agricultural Act of 1970 (7 U.S.C. 612c-3).

(Pub. L. 96-72, §17, Sept. 29, 1979, 93 Stat. 534; Pub. L. 99-64, title I, §118, July 12, 1985, 99 Stat. 154.)

## REFERENCES IN TEXT

The Mutual Defense Assistance Control Act of 1951, referred to in subsec. (e), is act Oct. 26, 1951, ch. 575, 65 Stat. 644, as amended, which was classified generally to chapter 20A (§1611 et seq.) of Title 22, Foreign Relations and Intercourse, prior to its supersedure by subsec. (e) of this section. For complete classification of this Act to the Code, see Tables.

Section 812 of the Agricultural Act of 1970, referred to in subsec. (f), which was classified to section 612c-3 of Title 7, Agriculture, was repealed by Pub. L. 101-624, title XV, §1578, Nov. 28, 1990, 104 Stat. 3702.

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1985—Subsec. (a). Pub. L. 99-64, §118(a)(1), substituted “Except as otherwise provided in this Act, nothing” for “Nothing”.

Subsec. (c). Pub. L. 99-64, §118(a)(2), struck out sentence which provided that for purposes of this subsection “controlled country” means any country described in section 620(f) of the Foreign Assistance Act of 1961.

Subsec. (f). Pub. L. 99-64, §118(b), added subsec. (f).

## DELEGATION OF FUNCTIONS

Functions conferred upon President under sections 2401 to 2420 of this Appendix delegated to Secretary of Commerce, with certain exceptions, by Ex. Ord. No. 12214, May 2, 1980, 45 F.R. 29783, set out under section 2403 of this Appendix.

**§ 2417. Authorization of appropriations****(a) Requirement of authorizing legislation**

(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act [sections 2401 to 2420 of this Appendix] may be obligated or expended only if—

(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985]; or

(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to carry out the

<sup>1</sup> See References in Text note below.

purposes of this Act [sections 2401 to 2420 of this Appendix] authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985] which specifically repeals, modifies, or supersedes the provisions of this subsection.

#### (b) Authorization

There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act [sections 2401 to 2420 of this Appendix]—

- (1) \$42,813,000 for the fiscal year 1993;
- (2) such sums as may be necessary for the fiscal year 1994; and
- (3) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.

(Pub. L. 96-72, § 18, Sept. 29, 1979, 93 Stat. 534; Pub. L. 97-145, § 2(a), Dec. 29, 1981, 95 Stat. 1727; Pub. L. 99-64, title I, § 119, July 12, 1985, 99 Stat. 154; Pub. L. 99-633, § 1, Nov. 7, 1986, 100 Stat. 3522; Pub. L. 100-418, title II, § 2430, Aug. 23, 1988, 102 Stat. 1362; Pub. L. 103-10, § 1, Mar. 27, 1993, 107 Stat. 40.)

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1993—Subsec. (b)(1) to (3). Pub. L. 103-10 added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) \$35,935,000 for the fiscal year 1988, of which \$12,746,000 shall be available only for enforcement, \$2,000,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5, and \$21,189,000 shall be available for all other activities under this Act;

“(2) \$46,913,000 for the fiscal year 1989, of which \$15,000,000 shall be available only for enforcement, \$5,000,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5, \$4,000,000 shall be available only for regional export control assistance centers, and \$22,913,000 shall be available for all other activities under this Act; and

“(3) such additional amounts for each of the fiscal years 1988 and 1989 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.”

1988—Subsec. (b)(1). Pub. L. 100-418, § 2430(1), substituted “the fiscal year 1988” for “each of the fiscal years 1987 and 1988” and struck out “for each such year” after “available” in three places and “and” after semicolon at end.

Subsec. (b)(2), (3). Pub. L. 100-418, § 2430(2), added pars. (2) and (3) and struck out former par. (2) which read as follows: “such additional amounts for each of the fiscal years 1987 and 1988 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.”

1986—Subsec. (b). Pub. L. 99-633 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

- “(1) \$24,600,000 for the fiscal year 1985, of which \$8,712,000 shall be available only for enforcement, \$1,851,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and \$14,037,000 shall be available for all other activities under this Act;

“(2) \$29,382,000 for the fiscal year 1986, of which \$9,243,000 shall be available only for enforcement, \$2,000,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and \$18,139,000 shall be available for all other activities under this Act; and

“(3) such additional amounts for each of the fiscal years 1985 and 1986 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.”

1985—Subsec. (a). Pub. L. 99-64, § 119, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act unless previously and specifically authorized by law.”

Subsec. (b). Pub. L. 99-64, § 119, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

- “(1) \$9,659,000 for each of the fiscal years 1982 and 1983; and

“(2) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.”

1981—Subsec. (b)(1). Pub. L. 97-145 substituted authorization of appropriation of \$9,659,000 for each of the fiscal years 1982 and 1983 for authorization of appropriation of \$8,000,000 for each of the fiscal years 1980 and 1981, of which \$1,250,000 were to be available for each such fiscal year only for purpose of carrying out foreign availability assessments pursuant to section 2404(f)(5) of this Appendix.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-145, § 2(b), Dec. 29, 1981, 95 Stat. 1727, provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of October 1, 1981.”

#### § 2418. Effective date

This Act [sections 2401 to 2420 of this Appendix] shall take effect upon the expiration of the Export Administration Act of 1969 [former sections 2401 to 2413 of this Appendix].

(Pub. L. 96-72, § 19(a), Sept. 29, 1979, 93 Stat. 535.)

#### REFERENCES IN TEXT

The Export Administration Act of 1969, referred to in text, is Pub. L. 91-184, Dec. 30, 1969, 83 Stat. 841, as amended, which was classified generally to sections 2401 to 2413 of this Appendix, and terminated on Sept. 30, 1979, pursuant to the terms of that Act. For complete classification of this Act to the Code, see Tables.

#### § 2419. Termination date

The authority granted by this Act [sections 2401 to 2420 of this Appendix] terminates on August 20, 2001.

(Pub. L. 96-72, § 20, Sept. 29, 1979, 93 Stat. 535; Pub. L. 98-108, § 1, Oct. 1, 1983, 97 Stat. 744; Pub. L. 98-207, Dec. 5, 1983, 97 Stat. 1391; Pub. L. 98-222, Feb. 29, 1984, 98 Stat. 36; Pub. L. 99-64, title I, § 120, July 12, 1985, 99 Stat. 155; Pub. L. 100-418, title II, § 2431, Aug. 23, 1988, 102 Stat. 1362; Pub. L. 103-10, § 2, Mar. 27, 1993, 107 Stat. 40; Pub. L. 103-277, July 5, 1994, 108 Stat. 1407; Pub. L. 106-508, Nov. 13, 2000, 114 Stat. 2360.)

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2000—Pub. L. 106-508 substituted “August 20, 2001” for “August 20, 1994”.