

the procedures set forth in section 981 of title 18.

(k) Rule of construction

Nothing in this subchapter¹ shall be construed to limit or otherwise affect the enforcement authorities of the Department of Homeland Security which may also complement those set forth herein.

(Pub. L. 115-232, div. A, title XVII, §1761, Aug. 13, 2018, 132 Stat. 2226.)

CODIFICATION

Section is comprised of section 1761 of Pub. L. 115-232. Subsec. (f) of section 1761 of Pub. L. 115-232 amended section 2516 of Title 18, Crimes and Criminal Procedure.

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a), (b)(1), (2), (d), (e), and (h), was in the original “this part”, meaning part I (§§1751-1768) of subtitle B of title XVII of div. A of Pub. L. 115-232, known as the Export Controls Act of 2018, which is classified principally to this subchapter. For complete classification of part I to the Code, see section 1751 of Pub. L. 115-232, set out as a Short Title note under section 4801 of this title and Tables.

The Export Administration Act of 1979, referred to in subsec. (h)(2)(B)(i), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which was classified principally to chapter 56 (§4601 et seq.) of this title and was substantially repealed by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232. For complete classification of this Act to the Code, see Tables.

The International Emergency Economic Powers Act, referred to in subsec. (h)(2)(B)(i), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

This subchapter, referred to in subsec. (k), was in the original “this Act”, and was translated as meaning part I (§§1751-1768) of subtitle B of title XVII of div. A of Pub. L. 115-232, known as the Export Controls Act of 2018, which is classified principally to this subchapter, as the probable intent of Congress. For complete classification of part I to the Code, see section 1751 of Pub. L. 115-232, set out as a Short Title note under section 4801 of this title and Tables.

§ 4821. Administrative procedure

(a) In general

Except as provided in section 4819(c)(2) or 4843(c) of this title, the functions exercised under this subchapter shall not be subject to sections 551, 553 through 559, and 701 through 706 of title 5.

(b) Administrative law judges

(1) In general

The Secretary may—

(A) appoint administrative law judges, consistent with the provisions of section 3105 of title 5; and

(B) designate properly appointed administrative law judges from other Federal agencies who are provided to the Department of Commerce pursuant to a legally authorized interagency agreement.

(2) Limitation

An administrative law judge appointed or designated by the Secretary under paragraph

(1) may preside only over proceedings of the Department of Commerce.

(c) Amendments to regulations

The President shall notify in advance the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives of any proposed amendments to the Export Administration Regulations with an explanation of the intent and rationale of such amendments.

(Pub. L. 115-232, div. A, title XVII, §1762, Aug. 13, 2018, 132 Stat. 2231.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this part”, meaning part I (§§1751-1768) of subtitle B of title XVII of div. A of Pub. L. 115-232, known as the Export Controls Act of 2018, which is classified principally to this subchapter. For complete classification of part I to the Code, see section 1751 of Pub. L. 115-232, set out as a Short Title note under section 4801 of this title and Tables.

§ 4822. Review of interagency dispute resolution process

(a) In general

The President shall review and evaluate the interagency export license referral, review, and escalation processes for dual-use items and munitions under the licensing jurisdiction of the Department of Commerce or any other Federal agency, as appropriate, to determine whether current practices and procedures are consistent with established national security and foreign policy objectives.

(b) Report

Not later than 180 days after August 13, 2018, the President shall submit to the appropriate congressional committees a report that contains the results of the review carried out under subsection (a).

(c) Operating Committee for Export Policy

In any case in which the Operating Committee for Export Policy established by Executive Order 12981 (December 5, 1991;¹ relating to Administration of Export Controls) is meeting to conduct an interagency dispute resolution relating to applications for export licenses under the Export Administration Regulations, matters relating to jet engine hot section technology, commercial communication satellites, and emerging or foundational technology may be decided by majority vote.

(d) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(Pub. L. 115-232, div. A, title XVII, §1763, Aug. 13, 2018, 132 Stat. 2231.)

¹ See References in Text note below.

¹ So in original. Probably should be “1995”.

REFERENCES IN TEXT

Executive Order 12981, referred to in subsec. (c), is Ex. Ord. No. 12981, Dec. 5, 1995, 60 F.R. 62981, which is set out as a note under former section 4603 of this title.

DELEGATION OF AUTHORITIES AND RESPONSIBILITIES UNDER SECTION 1763 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

Memorandum of President of the United States, Jan. 15, 2019, 84 F.R. 197, provided:

Memorandum for the Secretary of Commerce

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of Commerce, in coordination with executive departments and agencies through the National Security Presidential Memorandum-4 [50 U.S.C. 3021 note] process, the functions and authorities vested in the President by section 1763 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) [50 U.S.C. 4822].

The delegation of authorities and responsibilities in this memorandum shall apply to any provision of any future public law that are the same or substantially the same as the provision referenced in this memorandum.

The Secretary of Commerce is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 4823. Consultation with other agencies on commodity classification

Notwithstanding any other provision of law, the Secretary shall consult with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, as appropriate, regarding commodity classifications for any item the Secretary and the Secretary of Defense, the Secretary of State, and the Secretary of Energy identify and mutually determine is materially significant enough to warrant interagency consultation.

(Pub. L. 115-232, div. A, title XVII, §1764, Aug. 13, 2018, 132 Stat. 2232.)

§ 4824. Annual report to Congress**(a) In general**

The Secretary shall submit to Congress, by December 31 of each year, a report on the implementation of this subchapter during the preceding fiscal year. The report shall include a review of—

(1) the effect of controls imposed under this subchapter on exports, reexports, and in-country transfers of items in addressing threats to the national security or foreign policy of the United States, including a description of licensing processing times;

(2) the impact of such controls on the scientific and technological leadership of the United States;

(3) the consistency with such controls of export controls imposed by other countries;

(4) efforts to provide exporters with compliance assistance, including specific actions to assist small- and medium-sized businesses;

(5) a summary of regulatory changes from the prior fiscal year;

(6) a summary of export enforcement actions, including of actions taken to implement end-use monitoring of dual-use, military, and

other items subject to the Export Administration Regulations;

(7) a summary of approved license applications to proscribed persons;

(8) efforts undertaken within the previous year to comply with the requirements of section 4817¹ of this title, including any critical technologies identified under such section and how or whether such critical technologies were controlled for export; and

(9) a summary of industrial base assessments conducted during the previous year by the Department of Commerce, including with respect to counterfeit electronics, foundational technologies, and other research and analysis of critical technologies and industrial capabilities of key defense-related sectors.

(b) Form

The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(Pub. L. 115-232, div. A, title XVII, §1765, Aug. 13, 2018, 132 Stat. 2232.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this part”, meaning part I (§§1751-1768) of subtitle B of title XVII of div. A of Pub. L. 115-232, known as the Export Controls Act of 2018, which is classified principally to this subchapter. For complete classification of part I to the Code, see section 1751 of Pub. L. 115-232, set out as a Short Title note under section 4801 of this title and Tables.

Section 4817 of this title, referred to in subsec. (a)(8), was in the original “section 1759”, and was translated as meaning section 1758 of Pub. L. 115-232, which relates to requirements to identify and control the export of emerging and foundational technologies and is classified to section 4817 of this title, to reflect the probable intent of Congress.

§ 4825. Effect on other acts**(a) In general**

Except as otherwise provided in this subchapter, nothing contained in this subchapter shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over the export or reexport of any item.

(b) Coordination of controls**(1) In general**

The authority granted to the President under this subchapter shall be exercised in such manner so as to achieve effective coordination with the authority exercised under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and all other export control and sanctions authorities exercised by Federal departments and agencies, particularly the Department of State, the Department of the Treasury, and the Department of Energy.

(2) Sense of Congress

It is the sense of Congress that in order to achieve effective coordination described in paragraph (1), such Federal departments and agencies—

(A) should continuously work to create enforceable regulations with respect to the ex-

¹ See References in Text note below.