

United States Senate

WASHINGTON, DC 20510

February 29, 2000

The Honorable Trent Lott
Majority Leader
United States Senate
Washington, D.C. 20510

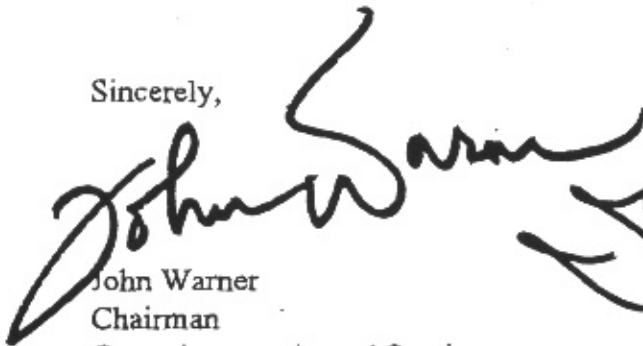
Dear Majority Leader Lott:

We write to express our continuing concerns about S.1712, the "Export Administration Act." On February 9, 2000, the chairmen of the Senate Armed Services, Foreign Relations, Intelligence, and Governmental Affairs Committees wrote you to express their concerns with S.1712 as currently drafted. Since that date, these national security committees' staffs and Senator Kyl's staff have met repeatedly with the staff of the Banking Committee in an effort to resolve these issues. On February 22, these chairmen and Senator Kyl met with you and with Senators Phil Gramm and Michael Enzi to discuss these matters further. Most recently, the Banking Committee has drafted a proposed managers' amendment including language to provide for a limited procedure for "carving out" certain technologies from certain other provisions of S.1712.

We have concluded that the Banking Committee's proposed changes to S.1712 are insufficient to allay our concerns that the legislation provides insufficient protection for United States national security interests. The proposed "carve-out" language, for example, is insufficient on its own terms to protect important national security interests. Indeed, the Banking Committee's proposed "carve-out" language does not represent a unified Administration position at all, but rather merely language desired by industry and some in the Department of Commerce. Moreover, the "carve-out" idea was initially proposed by the national security committee chairmen as part of a much broader package of measures designed to fix S.1712's significant problems - measures that have thus far been rejected. Some of the national security chairmen also have jurisdictional questions about the sweeping scope of S.1712, and concerns about the bill's failure to recognize Israel's adherence to the Missile Technology Control Regime.

All in all, S.1712 – even with its proposed managers' amendment containing "carve-out" language – fails to address the national security committee chairmen's concerns. In no respect is this more true than in this legislation's determination to give wholesale discretion to the Department of Commerce vis-à-vis the Defense Department and the Intelligence Community in controlling national security export controls. Particularly coming, as it does, in the wake of two years' worth of Congressional hearings detailing a variety of export control problems – from satellite licensing scandals to export control administration problems, and high-performance computer exports to alleged abuses of Commerce Department discretion in the export control process – we believe that S.1712 fails to protect U.S. national security interests. Consequently, we object to moving S.1712 to the Senate floor at this time.

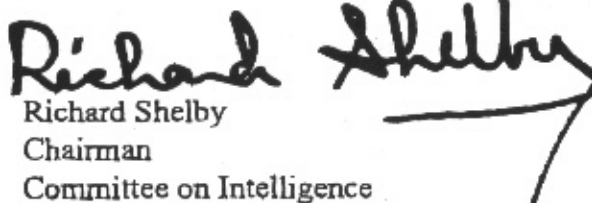
Sincerely,



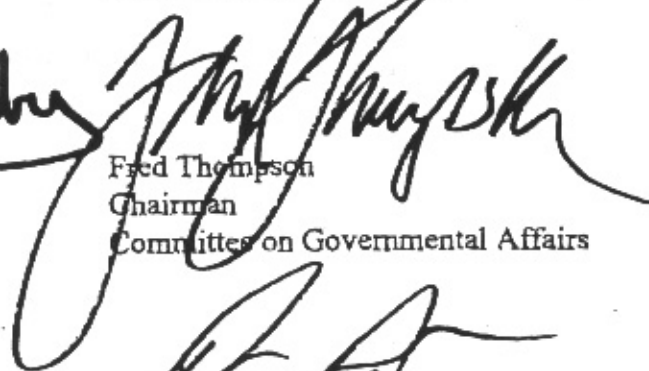
John Warner
Chairman
Committee on Armed Services



Jesse Helms
Chairman
Committee on Foreign Relations



Richard Shelby
Chairman
Committee on Intelligence



Fred Thompson
Chairman
Committee on Governmental Affairs



Jon Kyl
Chairman
Subcommittee on Technology, Terrorism
and Government Information
Committee on the Judiciary



Pat Roberts
Chairman
Subcommittee on Emerging Threats and Capabilities
Committee on Armed Services

