

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1838

To liberalize controls on the export of telecommunications equipment and technology in order to promote democracy and free communication and enhance economic competitiveness.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9 (legislative day, JANUARY 25), 1994

Mr. SHELBY introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To liberalize controls on the export of telecommunications equipment and technology in order to promote democracy and free communication and enhance economic competitiveness.

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. FINDINGS.**

4       (a) The Congress makes the following findings:

5               (1) The free exchange of ideas and information  
6       through modern, reliable telecommunications equip-  
7       ment fosters the development of democratic institu-  
8       tions, the promotion of free market economic re-

1 forms, and the facilitation of international com-  
2 merce.

3 (2) Exports of advanced telecommunications  
4 equipment and technology contribute to the United  
5 States economic competitiveness and high-skill, high-  
6 wage jobs in the United States.

7 (3) Export restrictions on telecommunications  
8 equipment and technology are outdated, controlling  
9 the export of equipment and technology that is more  
10 than 10 years old and has over 15 times less capac-  
11 ity than similar equipment and technology in use  
12 today in the United States.

13 (4) Foreign availability of telecommunications  
14 equipment and technology exists both from countries  
15 that do not belong to or cooperate with the Coordi-  
16 nating Committee for Multilateral Export Controls,  
17 and from within countries to which exports of such  
18 equipment and technology are controlled by agree-  
19 ment of the Coordinating Committee.

20 **SEC. 2. EXPORT CONTROLS ON TELECOMMUNICATIONS.**

21 (a) IN GENERAL.—Section 5(c) of the Export Admin-  
22 istration Act of 1979 (50 U.S.C. App. 2404(c)) is amend-  
23 ed by adding at the end the following:

24 “(8)(A) The Secretary shall, not later than 30  
25 days after the date of the enactment of this para-

1 graph, propose to COCOM or to its successor export  
2 control regime, and to any other export control re-  
3 gime which maintains controls on telecommuni-  
4 cations equipment and technology, that exports of  
5 telecommunications equipment and telecommuni-  
6 cations technology for civil and uses shall not re-  
7 quire a validated license or reexport authorization  
8 for export or reexport to any of the republics of the  
9 former Soviet Union, the People's Republic of China,  
10 Poland, the Czech Republic, Slovakia, Bulgaria, Ro-  
11 mania, Albania, Estonia, Lithuania, or Latvia.

12 “(B) For the purposes of this paragraph—

13 “(i) the term ‘telecommunications equip-  
14 ment’ includes—

15 “(I) telephone switching systems and  
16 stored program controlled communications  
17 switching systems, including related fea-  
18 tures and components that provide services  
19 and management of telecommunications  
20 networks;

21 “(II) telecommunications transmission  
22 equipment;

23 “(III) microwave, light wave, and  
24 other radio relay, transmitting, or test

1 equipment, and related components and  
2 accessories;

3 “(IV) telecommunications cables and  
4 components, including optical fibers and  
5 optical fiber cables;

6 “(V) equipment containing frequency  
7 synthesizers when used in land-based mo-  
8 bile communications systems;

9 “(VI) equipment described in any of  
10 clauses (I) through (V), or any other tele-  
11 communications equipment, that contains  
12 lasers;

13 “(VII) computer hardware and appli-  
14 cation specific software which are related  
15 to any of the items described in clauses (I)  
16 through (V) and are required for data  
17 communications;

18 “(VIII) all spare parts, components,  
19 and measuring or test equipment related to  
20 any of the items described in clauses (I)  
21 through (VII); and

22 “(IX) any other equipment controlled  
23 by Parts I or II of Category 5 of the Com-  
24 merce Control List as of July 1, 1993;

1           “(ii) the term ‘telecommunications tech-  
2           nology’ means technology related to tele-  
3           communications equipment, including tech-  
4           nology for the production, development, and use  
5           of telecommunications equipment;

6           “(iii) the term ‘telecommunications net-  
7           works’ includes local area, intracity, intercity,  
8           and international telecommunications networks;  
9           and

10          “(iv) the term ‘telecommunications’ means  
11          voice, video, and data communications over any  
12          public or private network or broadcasting sys-  
13          tem, and services related to such communica-  
14          tions.

15          “(b) REPORT.—Not later than 60 days after the date  
16 of the enactment of this Act, the President shall submit  
17 to the Speaker of the House of Representatives and the  
18 Committee on Banking, Housing, and Urban Affairs of  
19 the Senate a report certifying that the proposal required  
20 by section 5(c)(8) of the Export Administration Act of  
21 1979 (as added by subsection (a) of this section) has been  
22 made to the members of the Coordinating Committee or  
23 to its successor export control regime, and to any other  
24 export control regime which maintains controls on tele-  
25 communications equipment and technology, and outlining

1 the plans to gain the concurrence of the other members  
2 of the Committee or the appropriate regime in the pro-  
3 posal.”.

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