110TH CONGRESS
1ST SESSION

H. R. 4246

To improve the performance of the defense trade controls functions of the Department of State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mr. SHERMAN (for himself, Mr. MANZULLO, Mr. CROWLEY, and Mr. BLUNT) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To improve the performance of the defense trade controls functions of the Department of State, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Defense Trade Controls Performance Improvement Act of 2007”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Strategic review and assessment of the United States export controls system.
Sec. 4. Performance requirements in the processing of applications for licenses to export or import items on the United States Munitions List.

Sec. 5. Requirement to ensure adequate staff and resources for the Directorate of Defense Trade Controls of the Department of State.

Sec. 6. Audit by Government Accountability Office.

Sec. 7. Increased flexibility for use of defense trade controls registration fees.

Sec. 8. Increased transparency through publication of licensing information.

Sec. 9. Control of items on Missile Technology Control Regime Annex.

Sec. 10. Waiver of licensing requirements for spare and replacement parts or components and related services of defense items for exports to NATO member states, Australia, Japan, and New Zealand.

Sec. 11. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.

Sec. 12. Export controls of civil aircraft products.

Sec. 13. Definitions.


1 SEC. 2. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government wide, high-risk area, warranting a strategic re-examination of existing programs to include those relating to arms export controls.

(3) Federal Government agencies must review licenses for the export of munitions and dual-use items in a thorough and timely manner to ensure
that the United States is able to help its allies and
to prevent nuclear and conventional weapons from
getting into the hands of our enemies.

(4) A Government Accountability Office report
of October 9, 2001 (GAO–02–120), documented am-
biguous export control jurisdiction affecting 25 per-
cent of the items that the United States Government
agreed to control as part of its commitments to the
Missile Technology Control Regime. More than 6
years later, the Departments of Commerce and State
have not clearly determined which department has
jurisdiction over these items, which increases the
risk that these items will fall into the wrong hands.
During both the 108th and 109th Congresses, the
House of Representatives passed legislation man-
dating that the Administration clarify this issue.

(5) Both the staffing and funding that relate to
the Department of State’s arms export control re-
sponsibilities have not kept pace with the increased
workload relating to such responsibilities, especially
over the last five years.

(6) In the report to Congress required by the
Conference Report (Report 109–272) accompanying
the bill, H.R. 2862 (the Science, State, Justice,
Commerce and Related Agencies Appropriations Act,
2006; Public Law 109–108), the Department of State concluded that—

(A) defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry;

(B) the most important challenge to the Department of State’s licensing process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers;

(C) fiscal year 2005 marked the third straight year of roughly 8 percent annual increases in licensing volume;

(D) although an 8 percent increase in workload equates to a requirement for three additional licensing officers per year, there has been no increase in licensing officers during this period; and

(E) the increase in licensing volume without corresponding increase in trained and experienced personnel has resulted in delays and increased processing times.

(7) In 2006, the Department of State processed over three times as many licensing applications as
the Department of Commerce with about a fifth of
the staff of the Department of Commerce.

(8) On July 27, 2007, in testimony delivered to
the Subcommittee on Terrorism, Nonproliferation
and Trade of the House Committee on Foreign Af-
fairs to examine the effectiveness of the United
States export control regime, the Government Ac-
countability Office found that—

(A) despite the existence of known
vulnerabilities, neither the Departments of
Commerce and State have conducted assess-
ments to determine their overall effectiveness in
the area of arms export control;

(B) the initiatives of the Department of
State to facilitate defense trade by reducing the
time it takes to process export license applica-
tions have generally not been successful; and

(C) the processing times of the Depart-
ment of State doubled over the period from
2002 to 2006.

(9) At the end of 2006, the Department of
State’s backlog or open license applications reached
its highest level by exceeding 10,000 cases. This re-
sulted in major management and personnel chal-
lenges for the Department of State’s Directorate of Defense Trade Controls.

(10) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled “Export Controls and the U.S. Defense Industrial Base” found that the large backlog and long processing times for Department of State processed licenses led to an impairment of United States firms in some sectors to conduct global business relative to foreign competitors. Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State’s fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded $30,000,000,000, with nearly eighty percent of these
items exported to United States NATO allies and other major non-NATO allies. The inability of Federal Government agencies to properly assess and categorize United States manufactured goods in a timely and consistent manner hinders legitimate trade and exacerbates the United States merchandise trade deficit, which reached $836,000,000,000 in 2006.

(12) The failure on the part of the Departments of Commerce and State to assess the overall effectiveness of their export controls, combined with the lack of resources dedicated to these efforts at the Department of State, raises serious national and economic security concerns for the United States that must be addressed expeditiously.

SEC. 3. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) Assessment.—The Secretary of State, in coordination with the heads of other Federal agencies (including relevant law enforcement agencies), as appropriate, shall conduct a comprehensive and systematic review and assessment of the United States export controls system in the context of the strategic foreign policy objectives of the United States. Such review and assessment shall determine the overall effectiveness of the United States export
controls system in order to, where appropriate, strengthen
controls, improve efficiency, and reduce unnecessary
redundancies across Federal Government agencies,
through administrative actions, including regulations, and
to formulate legislative proposals for new authorities that
are needed.

(b) REPORT.—Not later than one year after the date
of the enactment of this Act, the Secretary of State shall
submit to the appropriate congressional committees a re-
port that contains the results of the review and assessment
conducted under subsection (a).

(c) CONGRESSIONAL BRIEFINGS.—At the time the
report required by subsection (b) is submitted to the ap-
propriate congressional committees in accordance with
such subsection, the Secretary of State (or the Secretary’s
designee) shall brief the chairmen and ranking members
of the appropriate congressional committees on the mat-
ters contained in the report.

SEC. 4. PERFORMANCE REQUIREMENTS IN THE PROC-
ESSING OF APPLICATIONS FOR LICENSES TO
EXPORT OR IMPORT ITEMS ON THE UNITED
STATES MUNITIONS LIST.

(a) REQUIREMENTS.—The Secretary of State, acting
through the Directorate of Defense Trade Controls of the
Department of State, shall ensure that—
(1) the average processing time for review and issuance or denial of applications for licenses to export or import items on the United States Munitions List that are not subject to the requirements of subsection (b) or (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

(A) to countries that are member states of the North Atlantic Treaty Organization (NATO), Australia, Israel, Japan, and New Zealand is not more than 20 days from receipt of application;

(B) to countries that are major non–NATO allies (other than major non-NATO allies described in subparagraph (A)) is not more than 30 days from receipt of application; and

(C) to other eligible countries is not more than 60 days from receipt of application; and

(2) prior to consultation with the appropriate congressional committees, the average processing time for review of applications for licenses to export or import items on the United States Munitions List that are subject to the requirements of subsection (b) or (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776)—
(A) to countries that are member states of the North Atlantic Treaty Organization (NATO), Australia, Israel, Japan, and New Zealand is not more than 40 days from receipt of application;

(B) to countries that are major non-NATO allies (other than major non-NATO allies described in subparagraph (A)) is not more than 60 days from receipt of application; and

(C) to other eligible countries is not more than 120 days from receipt of application;

(3) the average processing time for review and determinations of commodity jurisdiction requests is not more than 60 days;

(4) the average processing time for review and determinations of technical assistance agreements is not more than 120 days;

(5) at no time does the Directorate of Defense Trade Controls have more than 2,000 open applications for licenses to export or import items on the United States Munitions List; and

(6) applications for licenses to export or import items on the United States Munitions List that are returned without action or denied are periodically reviewed by the Managing Director of the Directorate
of Defense Trade Controls to ensure such decisions are consistent with both policy and regulatory requirements of the Department of State.

(b) STATEMENT OF POLICY.—Congress states that it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the average processing time for review and issuance or denial of applications for licenses to export or import items on the United States Munitions List that are not subject to the requirements of subsection (b) or (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) to United States NATO allies and major non-NATO allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than seven calendar days from receipt of application.

(c) DETERMINATION OF AVERAGE PROCESSING TIME.—The Secretary of State shall determine the average processing times established under subsections (a) and (b) on the basis of the volume of applications received by the Directorate of Defense Trade Controls during the immediately preceding 6-month period.

(d) CONGRESSIONAL BRIEFINGS.—If, at the end of any month—
(1) the average processing times for review and issuance or denial of applications for licenses to export or import items under any category of the United States Munitions List is in excess of the times specified in subparagraphs (A), (B), and (C) of paragraphs (1) and (2) of subsection (a),

(2) the average processing time for review and determinations of commodity jurisdiction requests is more than 60 days as described in subsection (a)(3), or

(3) the Directorate of Defense Trade Controls has more than 2,000 open applications as described in subsection (a)(5),

the Secretary of State, acting through the Undersecretary for Arms Control and International Affairs, the Assistant Secretary for Political and Military Affairs, or the Deputy Assistant Secretary for Defense Trade Controls of the Department of State, shall brief the appropriate congressional committees on such matters and the corrective measures that the Directorate of Defense Trade Controls will take to comply with the requirements of subsection (a).

(e) CONGRESSIONAL REPORT.—If the processing time for review and determination of a commodity jurisdiction request is more than 120 days, the Secretary of State...
shall submit to the appropriate congressional committees a report that describes the request and the reasons for the extended duration of the processing time of the request.

(f) **Review and Assessment of Comprehensive Defense Trade Security Initiatives.**—

(1) **Review and Assessment.**—The Secretary of State, in coordination with the heads of other relevant Federal departments and agencies, shall review each of the Department of State’s Comprehensive Defense Trade Security Initiative’s export authorizations described in paragraph (2) and assess the effectiveness of each such authorization, including the extent to which the authorization is utilized and is achieving the initiative’s stated objectives. This review should also assess how well such authorizations are supporting defense cooperation and interoperability with United States allies and partners by permitting timely sharing of technology, maintenance information, and spare parts and components for cooperative defense programs.

(2) **Comprehensive Defense Trade Security Initiatives.**—The Comprehensive Defense Trade Security Initiative’s export authorizations referred to in paragraph (1) are the following:
(A) MAJOR PROJECT AUTHORIZATION.—
Comprehensive authorization for a range of export activities between a single registered United States exporter, as original equipment manufacturer, and a foreign company or government, including integration, codevelopment, or production.

(B) MAJOR PROGRAM AUTHORIZATION.—
Comprehensive authorization for a range of export activities for a principal registered contractor covering all aspects of a commercial project with a foreign company or government, including participation by multiple subcontractors and exporters, such as a transaction for a foreign government’s purchase of a United States major weapons system.

(C) GLOBAL PROJECT AUTHORIZATION.—
Comprehensive authorization for a United States exporter to carry out broad range of activities associated with a cooperative project pursuant to a government-to-government agreement.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congres—
sional committees a report that contains the results
of the review and assessment conducted under para-
graph (1) and recommendations based on the review
and assessment of any needed improvements.

(g) Rule of Construction.—Nothing in this sec-
tion shall be construed to prohibit the President or Con-
gress from undertaking a thorough review of the national
security and foreign policy implications of a proposed ex-
port or import of items on the United States Munitions
List.

SEC. 5. REQUIREMENT TO ENSURE ADEQUATE STAFF AND
RESOURCES FOR THE DIRECTORATE OF DE-
FENSE TRADE CONTROLS OF THE DEPAR-
MENT OF STATE.

(a) Requirement.—The Secretary of State shall en-
sure that the Directorate of Defense Trade Controls of
the Department of State has the necessary staff and re-
sources to carry out this Act and the amendments made
by this Act.

(b) Minimum Number of Licensing Officers.—
The Secretary of State shall ensure that the Directorate
of Defense Trade Controls has not less than the following
number of licensing officers for the following fiscal years:

(1) 60 licensing officers for fiscal year 2009.

(2) 70 licensing officers for fiscal year 2010.
An appropriate number of licensing officers so that the ratio between the number of licensing officers to the estimated number of applications for licenses to export or import items on the United States Munitions List for fiscal year 2011 and each subsequent fiscal year is not less than 1 to 1,250.

(c) Minimum Number of Staff for Commodity Jurisdiction Requests.—For each of the fiscal years 2009 through 2011, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has not less than three individuals assigned to review and make determinations of commodity jurisdiction requests.

SEC. 6. AUDIT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) Audit.—Not later than end of each of the fiscal years 2009 through 2011, the Comptroller General shall conduct an independent audit to determine whether or not the Department of State is meeting the requirements of sections 4 and 5 of this Act.

(b) Report.—The Comptroller General shall submit to the appropriate congressional committees a report that contains the result of each audit conducted under subsection (a).
SEC. 7. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence, by striking “Office” and inserting “Directorate”; and

(2) in the second sentence, to read as follows:

“Fees credited to that account shall be available only for payment of expenses incurred for management, licensing, compliance, and policy activities of defense trade controls functions. In allocating fees for payment of expenses described in the preceding sentence, the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 5 of the Defense Trade Controls Performance Improvement Act of 2007 (relating to adequate staff and resources of the Directorate of Defense Trade Controls).”.

SEC. 8. INCREASED TRANSPARENCY THROUGH PUBLICATION OF LICENSING INFORMATION.

(a) STATUS OF APPLICATIONS.—The Directorate of Defense Trade Controls shall establish a secure Internet-based system for tracking the progress of applications for licenses to export or import items on the United States
Munitions List so that applicants can track the status of their applications.

(b) **Other information.**—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of State shall publish on the Internet website of the Department of State, and update as appropriate—

(1) information concerning the average processing times, by category, and the number of open applications, as required by section 4 of this Act; and

(2) information concerning staff and resources of the Directorate of Defense Trade Controls of the Department of State, including the number of licensing officers, as required by section 5 of this Act.

**SEC. 9. CONTROL OF ITEMS ON MISSILE TECHNOLOGY CONTROL REGIME ANNEX.**

(a) **Control of items on MTCR annex.**—The Secretary of State, in coordination with the Secretary of Commerce, the Secretary of Defense, and the heads of other federal agencies, as appropriate, shall ensure that all items on the Missile Technology Control Regime Annex are subject to stringent control by the Government of the United States pursuant to the International Traffic in Arms Regulations and the Export Administration Regulations.
(b) Certification.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Commerce, the Secretary of Defense, and the heads of other federal agencies, as appropriate, shall submit to the appropriate congressional committees a report that contains—

(1) a certification that the requirement of subsection (a) has been met, or if the requirement has not been met, the reasons therefore; and

(2) a description of the updated coverage, if any, of the regulations referred to in subsection (a) with respect to all items on the MTCR Annex and an explanation of any areas of overlap or omissions, if any, among the regulations.

SEC. 10. WAIVER OF LICENSING REQUIREMENTS FOR SPARE AND REPLACEMENT PARTS OR COMPONENTS AND RELATED SERVICES OF DEFENSE ITEMS FOR EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, AND NEW ZEALAND.

(a) In General.—Section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and
(2) by inserting after paragraph (3) the following new paragraph:

“(4) Waiver of Licensing Requirements for Spare and Replacement Parts or Components and Related Services of Defense Items for Exports to NATO Member States, Australia, Japan, and New Zealand.—

“(A) Waiver.—(i) Subject to subparagraph (B), the President shall waive the licensing requirements of this Act for exports of spare and replacement parts or components and related services of defense items exported to NATO member states, Australia, Japan, and New Zealand.

“(ii) A waiver may be issued under this subparagraph only if—

“(I) the export of spare and replacement parts or components and related services—

“(aa) supports a defense item previously lawfully exported;

“(bb) is a one-for-one replacement of the spare and replacement parts or components and related services; and
“(ce) is limited to destruction or return of the replaced part or component and documentation of the process;

“(II) the spare and replacement parts or components and related services will be transferred to a defense agency of a country described in clause (i) that is a previously approved end-user of the defense items and not to a distributor of such defense items;

“(III) the spare and replacement parts or components and related services will not to be used to enhance, optimize, or otherwise upgrade the capability of the defense items; and

“(IV) the spare and replacement parts or components and related services relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in clause (i).

“(iii) For purposes of this paragraph, the term ‘defense items’ has the meaning given the term in paragraph (5) of this subsection, except that such term does not include items on the
list referred to in subsection (a)(1) of this section that are significant military equipment or items on the Missile Technology Control Regime Annex (as such term is defined in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4))).

“(B) EXCEPTION.—The President is authorized to not issue a waiver under subparagraph (A) with respect to a country described in such subparagraph if the President determines that it is in the national security interests of the United States to do so.

“(C) INAPPLICABILITY TO RE-EXPORTS AND RE-TRANSFERS.—The provisions of this paragraph shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in subparagraph (A).

“(D) ADVANCE NOTIFICATION AND DISAPPROVAL PROVISIONS.—Every person who seeks to export spare and replacement parts or components and related services of defense items described in subparagraph (A)—

“(i) shall, not less than 5 days prior to the export of such parts, components,
and services, notify the Secretary of State of the type, number, and monetary value of such parts, components, and services; and

“(ii) may export such parts, components, and services only if the Secretary of State does not disapprove the export of such parts, components, and services during such 5-day period.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2008.

SEC. 11. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS Export CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:

“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

“(a) Availability to Congress.—Not later than six months after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2007, the President shall make available to the congressional committees of jurisdiction the ability to access electronically, by secure means, current information on the status
of all license applications required to be submitted under this chapter.

“(b) MATTERS TO BE INCLUDED.—The information described in subsection (a) shall include, but is not limited to, the following:

“(1) The date on which each license is received by the Department of State and becomes an ‘open application’.

“(2) The date on which the Directorate of Defense Trade Controls makes a determination with respect to each license or sends it out for interagency review, if required.

“(3) The date on which the interagency review process for each license is completed, if such a review process is required.

“(4) The date on which each license is sent to the Bureau of Legislative Affairs of the Department of State for action.

“(5) The date on which the Bureau of Legislative Affairs of the Department of State begins consultations with the congressional committees of jurisdiction with respect to each license.

“(6) The date on which each license is formally sent to the congressional committees of jurisdiction.
“(c) Availability to United States Exporters.—No later than 12 months after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2007, the President shall make available to each United States exporter, through secure electronic means, the information described in subsection (b) with respect to each license that such exporter has submitted pursuant to this chapter.”.

SEC. 12. EXPORT CONTROLS OF CIVIL AIRCRAFT PRODUCTS.

(a) Export Controls Under Jurisdiction of Department of Commerce.—Subject to subsections (b), (c), and (d), any civil aircraft product that was included in the type design of a type certificate for a civil aircraft issued by the Federal Aviation Administration under part 21 of title 14, Code of Federal Regulations, on or before the date of the enactment of this Act, shall be subject to the exclusive jurisdiction of the Department of Commerce and shall not be subject to controls under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) Revision To Export Controls.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Commerce shall promulgate regulations and publish in the Federal
Register amendments, as appropriate, to the Commerce Control List or the United States Munitions List, or both, specifying any civil aircraft product described in subsection (a) that requires additional or different export controls than the export controls described in such subsection.

(c) EXPORT CONTROLS UNDER JURISDICTION OF DEPARTMENT OF STATE.—Any civil aircraft product that has a lethal military end-use, is currently subject to a license issued by the Department of State, is determined to be subject to the jurisdiction of the Department of State as a result of a commodity jurisdiction determination, or is an anti-missile defense item, including a special mission system installed on United States commercial aircraft for anti-missile defense, shall be subject to the jurisdiction of the Department of State unless determined otherwise by the Secretary of State.

(d) WAIVER.—The President shall waive the application of any provision of this section with respect to any civil aircraft product for which the President determines that exercising such waiver is in the national security interests of the United States.

(e) CIVIL AIRCRAFT PRODUCT DEFINED.—In this section, the term “civil aircraft product” means—

(1) a Class I product, Class II product, or Class III product, as defined in section 21.321(b) of title
14, Code of Federal Regulations (as in effect on
June 1, 2007); and

(2) any part, component, or related technical
data of a product described in paragraph (1).

SEC. 13. DEFINITIONS.

In this Act:

(1) Appropriate congressional committees.—The term “appropriate congressional com-
mittees” means the Committee on Foreign Affairs of
the House of Representatives and the Committee on
Foreign Relations of the Senate.

(2) Export Administration Regulations.—
The term “Export Administration Regulations”
means those regulations contained in sections 730
through 774 of title 15, Code of Federal Regulations
(or successor regulations).

(3) Commerce Control List.—The term
“Commerce Control List” means the list maintained
under part 774 of title 15, Code of Federal Regula-
tions.

(4) International Traffic in Arms Regula-
tions.—The term “International Traffic in Arms
Regulations” means those regulations contained in
sections 120 through 130 of title 22, Code of Fed-
eral Regulations (or successor regulations).
(5) MAJOR NON-NATO ALLY.—The term “major non-NATO ally” means a country that is designated in accordance with section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(6) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term “Missile Technology Control Regime” or “MTCR” has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(7) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term “Missile Technology Control Regime Annex” or “MTCR Annex” has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(8) TECHNICAL ASSISTANCE AGREEMENT.—The term “technical assistance agreement” means an agreement described in section 120.22 of title 22, Code of Federal Regulations (or successor regulations).

(9) UNITED STATES MUNITIONS LIST.—The term “United States Munitions List” means the list
referred to in section 38(a)(1) of the Arms Export
Control Act (22 U.S.C. 2778(a)(1)).

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums
as may be necessary for fiscal year 2009 and each subse-
quently fiscal year to carry out this Act and the amend-
ments made by this Act.