

99TH CONGRESS  
1ST SESSION

# H. R. 638

To amend the Export Administration Act of 1979 to restrict the export of goods which have been found to be hazardous to the public health.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1985

Mr. BARNES introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To amend the Export Administration Act of 1979 to restrict the export of goods which have been found to be hazardous to the public health.

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

3 That the Congress finds that—

4           (1) certain goods, the sale of which has been pro-  
5       hibited or restricted under the laws of the United  
6       States for reasons relating to the public health and  
7       safety or the health and safety of the individual con-  
8       sumer, have been exported for sale or distribution in  
9       foreign countries where such goods have not been sub-  
10       ject to prohibition or restriction;

1           (2) certain goods, which might be subjected to  
2 prohibition or restriction under the laws of the United  
3 States, but because of such expectation have not been  
4 submitted for licensing or approval, have been exported  
5 for sale or distribution in foreign countries;

6           (3) the sale or distribution of such goods in foreign  
7 countries has often resulted in injury to the public  
8 health and safety, or the health and safety of individual  
9 consumers; and

10           (4) except in such cases as the use of such goods  
11 may outweigh the risks and damages to the health and  
12 safety of the general public or individual consumers,  
13 the export of such goods from the United States is in-  
14 jurious to the foreign policy of the United States and to  
15 the reputation and credibility of the United States as a  
16 responsible and moral partner in the community of na-  
17 tions.

18           SEC. 2. Section 6 of the Export Administration Act of  
19 1979 (Public Law 96-72; 50 U.S.C. 2405) is amended by  
20 adding at the end thereof the following new subsection:

21           “(1) EXPORT OF HAZARDOUS GOODS.—(1) Unless the  
22 conditions set forth in paragraph (3) are met, no good the sale  
23 of which is regulated under any of the laws set forth in para-  
24 graph (6) may be exported unless the sale of that good in the  
25 United States is permitted under that law.

1           “(2) Unless the conditions set forth in paragraph (3) are  
2 met, no good may be exported if the sale of that good in the  
3 United States is subject to registration, licensing, or use re-  
4 quirements or similar restrictions which are imposed under  
5 any of the laws set forth in paragraph (6).

6           “(3) The Secretary may issue a validated license or a  
7 qualified general license permitting an export prohibited by  
8 paragraph (1) or (2) to a country if, in addition to any other  
9 requirements for the export of such good imposed under any  
10 other provision of law, the Secretary and the head of the  
11 agency regulating the sale of such good in the United States  
12 under any of the laws set forth in paragraph (6) concur, on  
13 the basis of documentation submitted by the applicant for  
14 such license and any other appropriate factors—

15           “(A)(i) that the government of such country has  
16 requested that such good be exported,

17           “(ii) that the applicant has fully informed such  
18 government and the consignee of any restrictions on  
19 the sale of such good in the United States and of the  
20 possible hazards posed by the good to the public health  
21 (or safety) or to the environment, and

22           “(iii) that the potential benefits of the intended  
23 use of the good outweigh those possible hazards; or

24           “(B) in the case of a good described in paragraph  
25 (2), that the sale of the good in that country would be

1 subject to requirements or restrictions comparable to  
2 those referred to in paragraph (2).

3 “(4) Notwithstanding the provisions of paragraph (3), no  
4 good may be exported which does not contain all warnings,  
5 instructions for use, or any other information required under  
6 any of the laws set forth in paragraph (6) to be included in  
7 the packaging of such good for sale or with respect to which  
8 the Secretary determines that such warnings, instructions, or  
9 other information is likely to be ineffective in the country to  
10 which the good would be exported on account of a lack of  
11 adequate translation or illustration or any marketing or distri-  
12 bution practice in that country.

13 “(5) No good may be exported for the purpose of using  
14 that good in the manufacture of another good the export of  
15 which is prohibited by this subsection.

16 “(6) The laws referred to in paragraphs (1), (2), (3), and  
17 (4) are the Toxic Substances Control Act, the Federal Food,  
18 Drug, and Cosmetic Act, the Federal Hazardous Substances  
19 Act, the Fair Packaging and Labeling Act, the Poison Pre-  
20 vention Packaging Act, the Flammable Fabrics Act, the  
21 Consumer Product Safety Act, the Federal Caustic Poison  
22 Act, the Federal Insecticide, Fungicide, and Rodenticide Act,  
23 the Controlled Substances Act, the Lead-Based Paint Poi-  
24 soning Prevention Act, and any other law designated by the  
25 Secretary, the major purpose of which is to protect public

1 health and safety from the hazards of drugs, medicines, medi-  
2 cal devices, including contraceptives; pesticides; carcinogens;  
3 toxic substances; and contaminated foods; and similar hazards  
4 to health and safety.

5       “(7) No law enacted after the date of the enactment of  
6 this subsection shall supersede this subsection unless it does  
7 so in specific terms, referring to this Act and declaring that  
8 the new law supersedes the provisions of this subsection.

9       “(8) The termination provisions set forth in section 20 of  
10 this Act shall not apply to (A) this subsection, (B) the author-  
11 ity to issue regulations under this subsection, or (C) the pro-  
12 visions of sections 11 and 12 of this Act to the extent such  
13 sections apply to violations of and the enforcement of this  
14 subsection.”.

15       SEC. 3. Section 17(a) of the Export Administration Act  
16 of 1979 (50 U.S.C. App. 2416(a)) is amended by striking out  
17 “Nothing” and inserting in lieu thereof “Except for the pro-  
18 visions of section 6(1) of this Act, nothing”.

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