

119TH CONGRESS
1ST SESSION

S. _____

To amend the Export Control Reform Act of 2018 to require a competitive market review for applications for a license to export, reexport, or in-country transfer emerging and foundational technologies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Export Control Reform Act of 2018 to require a competitive market review for applications for a license to export, reexport, or in-country transfer emerging and foundational technologies, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “License Monopoly Pre-
5 vention Act of 2025”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The Bureau of Industry and Security main-
5 tains a regularly updated Entity List of foreign per-
6 sons (set forth in Supplement No. 4 to part 744 of
7 the Export Administration Regulations), including
8 businesses, research institutions, government organi-
9 zations, private organizations, individuals, and other
10 types of legal persons, that are subject to specific li-
11 cense requirements for the export, reexport, or in-
12 country transfer of specified items.

13 (2) In recent years, the number of listed foreign
14 persons has grown significantly, and now includes
15 private consumer companies that are not producers
16 of traditional military or national security products.

17 (3) Monopoly licenses have inadvertently been
18 issued over the last few years, in some cases grant-
19 ing an exclusive right for a single company to sell
20 a specific product to an entity on the Entity List
21 without consideration of the market distorting im-
22 pacts of these monopolies.

23 (4) The issuance of monopoly licenses creates
24 the appearance that the Bureau of Industry and Se-
25 curity favors some companies at the expense of oth-
26 ers, undermining the credibility of the bureau and

undercutting the ability of the United States Government to work with the governments of allies and partners to build a shared regulatory infrastructure to control sensitive commercial technology.

(5) Monopoly licenses have the potential to create serious distortion in the market, exacerbate economic and security vulnerabilities, and undermine fairness in the export licensing regime administered by the Bureau of Industry and Security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Commerce would be well-served by a requirement that the Bureau of Industry and Security coordinate with the International Trade Administration to conduct a competitive market review when evaluating a request for a license to determine whether issuing the license would result in a single applicant having the sole license for the export, reexport, or in-country transfer of an article to similarly situated end users.

19 SEC. 3. REQUIREMENT FOR COMPETITIVE MARKET RE-
20 VIEW.

Section 1758(b)(3) of the Export Control Reform Act
of 2018 (50 U.S.C. 4817(b)(3)) is amended by adding at
the end the following:

24 “(D) COMPETITIVE MARKET REVIEW.—

1 “(i) IN GENERAL.—In reviewing an
2 application for a license or other authoriza-
3 tion for the export, reexport, or in-country
4 transfer of technology described in para-
5 graph (1), the Under Secretary of Com-
6 merce for Industry and Security shall con-
7 duct a competitive market review to deter-
8 mine whether the requested license or
9 other authorization, if issued, would be the
10 sole license or other authorization for the
11 export, reexport, or in-country transfer of
12 such technology to an end user or for an
13 end use and may issue such license or
14 other authorization only if the Under Sec-
15 retary certifies to the appropriate congres-
16 sional committees that—

17 “(I) the Under Secretary has re-
18 ceived no other application for the ex-
19 port, reexport, or in-country transfer
20 of such technology for that end user
21 or end use; or

22 “(II) if the Under Secretary has
23 received more than one such applica-
24 tion, the technologies or functions of
25 the technologies described in the ap-

1 plications are different to a degree
2 that the Secretary considers the tech-
3 nologies to be separate technologies
4 for purposes of issuing such license or
5 other authorization.

6 “(ii) CONSULTATION REQUIRE-
7 MENT.—In conducting a competitive mar-
8 ket review required by clause (i), the
9 Under Secretary of Commerce for Industry
10 and Security shall consult with the Under
11 Secretary of Commerce for International
12 Trade.

13 “(iii) APPROPRIATE CONGRESSIONAL
14 COMMITTEES DEFINED.—In this subpara-
15 graph, the term ‘appropriate congressional
16 committees’ means—

17 “(I) the Committee on Banking,
18 Housing, and Urban Affairs of the
19 Senate; and

20 “(II) the Committee on Foreign
21 Affairs of the House of Representa-
22 tives.

23 “(E) TREATMENT OF SUBSEQUENT LI-
24 CENSE APPLICATIONS.—After issuing a sole li-
25 cense or other authorization for the export, re-

1 export, or in-country transfer of technology de-
2 scribed in paragraph (1), the Under Secretary
3 of Commerce for Industry and Security shall
4 approve any subsequent application for a license
5 or other authorization for the same technology
6 as the original license, unless approving such
7 application creates a unique risk or concern
8 that was not present at the time that the origi-
9 nal license or other authorization was issued.”.