

106TH CONGRESS
2D SESSION

H. R. 5239

To provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2000

Mr. GILMAN (for himself and Mr. GEJDENSON) introduced the following bill;
which was referred to the Committee on International Relations

A BILL

To provide for increased penalties for violations of the Export Administration Act of 1979, 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 “Export Administration
5 Modification and Clarification Act of 2000”.

6 **SEC. 2. CONTINUATION OF THE EXPORT CONTROL REGU-**
7 **LATIONS UNDER IEEPA.**

8 To the extent that the President exercises the au-
9 thorities of the International Emergency Economic Pow-
10 ers Act to carry out the provisions of the Export Adminis-

1 tration Act of 1979 in order to continue in full force and
2 effect the export control system maintained by the Export
3 Administration Regulations issued under that Act, includ-
4 ing regulations issued under section 8 of that Act, the fol-
5 lowing shall apply:

6 (1)(A) Subject to subparagraph (B), the pen-
7 alties for violations of the regulations continued pur-
8 suant to the International Emergency Economic
9 Powers Act shall be the same as the penalties for
10 violations under section 11 of the Export Adminis-
11 tration Act of 1979, as if that section were
12 amended—

13 (i) by amending subsection (a) to read as
14 follows:

15 “(a) IN GENERAL.—Except as provided in subsection
16 (b), whoever knowingly violates or conspires to or attempts
17 to violate any provision of this Act or any license, order,
18 or regulation issued under this Act—

19 “(1) except in the case of an individual, shall be
20 fined not more than \$500,000 or 5 times the value
21 of any exports involved, whichever is greater; and

22 “(2) in the case of an individual, shall be fined
23 not more than \$250,000 or 5 times the value of any
24 exports involved, whichever is greater, or imprisoned
25 not more than 5 years, or both.”;

1 (ii) in subsection (b)—

2 (I) in paragraphs (1)(A) and (2)(A),
3 by striking “five times” and inserting “10
4 times”;

5 (II) in paragraph (1)(B), by striking
6 “\$250,000” and inserting “\$500,000”;
7 and

8 (III) in paragraph (2)(B), by striking
9 “\$250,000, or imprisoned not more than 5
10 years” and inserting “\$500,000, or impris-
11 oned not more than 10 years”;

12 (iii) in subsection (c)(1)—

13 (I) by striking “\$10,000” and insert-
14 ing “\$250,000”; and

15 (II) by striking “except that the civil
16 penalty” and all that follows through the
17 end of the paragraph and inserting “except
18 that the civil penalty for a violation of the
19 regulations issued pursuant to section 8
20 may not exceed \$50,000.”; and

21 (iv) in subsection (h)(1), by striking “or
22 section 38 of the Arms Export Control Act (22
23 U.S.C. 2778)” and inserting “section 38 of the
24 Arms Export Control Act (22 U.S.C. 2778),
25 section 16 of the Trading with the enemy Act

1 (50 U.S.C. 16), or, to the extent the violation
2 involves the export of goods or technology con-
3 trolled under this or any other Act or defense
4 articles or defense services controlled under the
5 Arms Export Control Act, section 371 of title
6 18, United States Code,”.

7 (B) The penalties under section 11 of the Ex-
8 port Administration Act of 1979 (50 U.S.C. App.
9 2410), as in effect on the day before the date of en-
10 actment of this Act, shall continue to apply in the
11 case of any penalty assessed for, or violations based
12 on, voluntary disclosures of information made by a
13 person before such date of enactment.

14 (2) The authorities set forth in section 12(a) of
15 the Export Administration Act of 1979 may be exer-
16 cised in carrying out the regulations continued pur-
17 suant to the International Emergency Economic
18 Powers Act.

19 (3) The provisions of sections 12(c) and 13 of
20 the Export Administration Act of 1979 shall apply
21 in carrying out the regulations continued pursuant
22 to the International Emergency Economic Powers
23 Act.

24 (4) The continuation of the provisions of the
25 Export Administration Regulations pursuant to the

1 International Emergency Economic Powers Act shall
2 not be construed as not having satisfied the require-
3 ments of that Act.

4 **SEC. 3. APPLICABILITY.**

5 Paragraphs (2), (3), and (4) of section 2 shall be ap-
6 plied as if enacted on August 20, 1994.

7 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the De-
9 partment of Commerce to carry out the Export Adminis-
10 tration Act of 1979, as continued in effect under the Inter-
11 national Emergency Economic Powers Act, \$72,000,000
12 for fiscal year 2001.

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