

106TH CONGRESS
2D SESSION

H. R. 5239

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 22), 2000

Received

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Read twice and referred to the Committee on Banking, Housing, and Urban
Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Export Administration
3 Modification and Clarification Act of 2000”.

4 **SEC. 2. CONTINUATION OF THE EXPORT CONTROL REGU-**
5 **LATIONS UNDER IEEPA.**

6 To the extent that the President exercises the au-
7 thorities of the International Emergency Economic Pow-
8 ers Act to carry out the provisions of the Export Adminis-
9 tration Act of 1979 in order to continue in full force and
10 effect the export control system maintained by the Export
11 Administration Regulations issued under that Act, includ-
12 ing regulations issued under section 8 of that Act, the fol-
13 lowing shall apply:

14 (1)(A) Subject to subparagraph (B), the pen-
15 alties for violations of the regulations continued pur-
16 suant to the International Emergency Economic
17 Powers Act shall be the same as the penalties for
18 violations under section 11 of the Export Adminis-
19 tration Act of 1979, as if that section were
20 amended—

21 (i) by amending subsection (a) to read as
22 follows:

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

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

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

8 (ii) in subsection (b)—

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

12 (II) in paragraph (1)(B), by striking
13 “\$250,000” and inserting “\$500,000”;
14 and

15 (III) in paragraph (2)(B), by striking
16 “\$250,000, or imprisoned not more than 5
17 years” and inserting “\$500,000, or impris-
18 oned not more than 10 years”;

19 (iii) in subsection (c)(1)—

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

22 (II) by striking “except that the civil
23 penalty” and all that follows through the
24 end of the paragraph and inserting “except
25 that the civil penalty for a violation of the

1 regulations issued pursuant to section 8
2 may not exceed \$50,000.”; and

3 (iv) in subsection (h)(1), by striking “or
4 section 38 of the Arms Export Control Act (22
5 U.S.C. 2778)” and inserting “section 38 of the
6 Arms Export Control Act (22 U.S.C. 2778),
7 section 16 of the Trading with the enemy Act
8 (50 U.S.C. 16), or, to the extent the violation
9 involves the export of goods or technology con-
10 trolled under this or any other Act or defense
11 articles or defense services controlled under the
12 Arms Export Control Act, section 371 of title
13 18, United States Code,”.

14 (B) The penalties in effect on the day before
15 the date of the enactment of this Act for violations
16 of the Export Administration Regulations, as contin-
17 ued in effect under the International Emergency
18 Economic Powers Act, shall continue to apply in the
19 case of any penalty assessed for, or violations based
20 on, voluntary disclosures of information made by a
21 person before such date of enactment.

22 (2) The authorities set forth in section 12(a) of
23 the Export Administration Act of 1979 may be exer-
24 cised in carrying out the regulations continued pur-

1 suant to the International Emergency Economic
2 Powers Act.

3 (3) The provisions of sections 12(c) and 13 of
4 the Export Administration Act of 1979 shall apply
5 in carrying out the regulations continued pursuant
6 to the International Emergency Economic Powers
7 Act.

8 (4) The continuation of the provisions of the
9 Export Administration Regulations pursuant to the
10 International Emergency Economic Powers Act shall
11 not be construed as not having satisfied the require-
12 ments of that Act.

13 **SEC. 3. APPLICABILITY.**

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

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the De-
18 partment of Commerce to carry out the Export Adminis-
19 tration Act of 1979, as continued in effect under the Inter-
20 national Emergency Economic Powers Act, \$72,000,000
21 for fiscal year 2001.

 Passed the House of Representatives September 25,
2000.

Attest:

JEFF TRANDAHL,

Clerk.