

H. R. 1661

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1949

Mr. SPENCE introduced the following bill; which was referred to the Committee on Banking and Currency

A BILL

To provide for continuation of authority for the regulation of exports, 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 That this Act may be cited as the "Export Control Act of
4 1949".

FINDINGS

5
6 (a) Certain materials continue in short supply at home
7 and abroad so that the quantity of United States exports and
8 their distribution among importing countries affect the wel-
9 fare of the domestic economy and have an important bearing
10 upon the fulfillment of the foreign policy of the United States.
11 (b) The unrestricted export of materials without regard

1 departments, agencies, or officials of the Government as he
2 may deem appropriate.

3 CONSULTATION AND STANDARDS

4 SEC. 4. (a) In determining which articles, materials,
5 or supplies shall be controlled hereunder, and in determining
6 the extent to which exports thereof shall be limited, any
7 department or agency making these determinations shall
8 seek information and advice from the several executive de-
9 partments and independent agencies concerned with aspects
10 of our domestic and foreign policies and operations having
11 an important bearing on exports.

12 (b) In authorizing exports, full utilization of private
13 competitive trade channels shall be encouraged insofar as
14 practicable, giving consideration to the interests of small
15 business, merchant exporters as well as producers, and estab-
16 lished and new exporters, and provision shall be made for
17 representative trade consultation to that end. In addition,
18 there may be applied such other standards or criteria as may
19 be deemed necessary by the head of such department or
20 agency to carry out the policies of this Act.

21 VIOLATIONS

22 SEC. 5. In case of the violation of any provision of this
23 Act or any regulation, order, or license issued hereunder,
24 such violator or violators, upon conviction, shall be punished

1 by a fine of not more than \$10,000 or by imprisonment for
2 not more than one year, or by both such fine and imprison-
3 ment.

4 ENFORCEMENT

5 SEC. 6. (a) To the extent necessary or appropriate to
6 the enforcement of this Act, the head of any department or
7 agency exercising any functions hereunder (and officers or
8 employees of such department or agency specifically desig-
9 nated by the head thereof) may make such investigations
10 and obtain such information from, require such reports or
11 the keeping of such records by, make such inspection of the
12 books, records, and other writings, premises, or property of,
13 and take the sworn testimony of, any person. In addition,
14 such officers or employees may administer oaths or affirma-
15 tions, and may by subpoena require any person to appear and
16 testify or to appear and produce books, records, and other
17 writings, or both, and in case of contumacy by, or refusal
18 to obey a subpoena issued to, any such person, the district
19 court for any district in which such person is found or re-
20 sides or transacts business, upon application, shall have
21 jurisdiction to issue an order requiring such person to appear
22 and give testimony or to appear and produce books, records,
23 and other writings, or both, and any failure to obey such
24 order of the court may be punished by such court as a con-
25 tempt thereof.

1 (b) No person shall be excused from complying with
2 any requirements under this section because of his privilege
3 against self-incrimination, but the immunity provisions of
4 the Compulsory Testimony Act of February 11, 1893
5 (27 Stat. 443), shall apply with respect to any individual
6 who specifically claims such privilege.

7 (c) No department or agency exercising any functions
8 under this Act shall publish or disclose information obtained
9 hereunder which is deemed confidential or with reference
10 to which a request for confidential treatment is made by
11 the person furnishing such information unless the head of
12 such department or agency determines that the withholding
13 thereof is contrary to the national interest.

14 EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT

15 SEC. 7. The functions exercised under this Act shall be
16 excluded from the operation of the Administrative Procedure
17 Act (60 Stat. 237), except as to the requirements of sec-
18 tion 3 thereof.

19 QUARTERLY REPORT

20 SEC. 8. The head of any department or agency exercis-
21 ing any functions under this Act shall make a quarterly
22 report, within forty-five days after each quarter, to the
23 President and to the Congress of his operations hereunder

24 DEFINITION

25 SEC. 9. The term "person" as used herein shall include

1 the singular and the plural and any individual, partnership,
2 corporation, or other form of association, including any
3 government or agency thereof.

4

EFFECT ON OTHER ACTS

5 SEC. 10. The Act of February 15, 1936 (49 Stat.
6 1140), relating to the licensing of exports of tin-plate scrap,
7 is hereby superseded; but nothing contained in this Act shall
8 be construed to modify, repeal, supersede, or otherwise
9 affect the provisions of any other laws authorizing control
10 over exports of any commodity.

11

EFFECTIVE DATE

12 SEC. 11. This Act shall take effect February 28, 1949,
13 upon the expiration of section 6 of the Act of July 2, 1940
14 (54 Stat. 714), as amended. All outstanding delegations,
15 regulations, orders, licenses, or other forms of administra-
16 tive action under said section 6 of the Act of July 2, 1940,
17 shall, until amended or revoked, remain in full force and
18 effect, the same as if promulgated under this Act.

19

TERMINATION DATE

20 SEC. 12. The authority granted herein shall terminate
21 on June 30, 1951, or upon any prior date which the Con-
22 gress by concurrent resolution or the President may designate.

81ST CONGRESS
1ST SESSION

H. R. 1661

A BILL

To provide for continuation of authority for the regulation of exports, and for other purposes.

By Mr. SPENCE

JANUARY 18, 1949

Referred to the Committee on Banking and Currency