

Calendar No. 352

89TH CONGRESS
1ST SESSION

H. R. 7105

[Report No. 363]

IN THE SENATE OF THE UNITED STATES

JUNE 9, 1965

Read twice and referred to the Committee on Banking and Currency

JUNE 23, 1965

Reported by Mr. ROBERTSON, without amendment

AN ACT

To provide for continuation of authority for 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 section 12 of the Export Control Act of 1949 (50
4 U.S.C. App. 2032) is amended by changing "1965" to
5 read "1969".

6 SEC. 2. Section 5 of the Export Control Act of 1949
7 (50 U.S.C. App. 2025) is amended by adding at the end
8 thereof the following new subsections:

9 “(c) The head of any department or agency exercising
10 any functions under this Act, or any officer or employee of
11 such department or agency specifically designated by the

1 head thereof, may impose a civil penalty not to exceed
2 \$1,000 for each violation of this Act or any regulation, order,
3 or license issued under this Act, either in addition to or in
4 lieu of any other liability or penalty which may be imposed.

5 “(d) The payment of any penalty imposed pursuant to
6 subsection (c) may be made a condition, for a period not
7 exceeding one year after the imposition of such penalty, to
8 the granting, restoration, or continuing validity of any ex-
9 port license, permission, or privilege granted or to be granted
10 to the person upon whom such penalty is imposed.

11 “(e) Any amount paid in satisfaction of any penalty
12 imposed pursuant to subsection (c) shall be covered into
13 the Treasury as a miscellaneous receipt. The head of the
14 department or agency concerned may, in his discretion, re-
15 fund any such penalty, within two years after payment, on
16 the ground of a material error of fact or law in the imposi-
17 tion. Notwithstanding section 1346(a) of title 28 of the
18 United States Code, no action for the refund of any such
19 penalty may be maintained in any court.

20 “(f) In the event of the failure of any person to pay
21 a penalty imposed pursuant to subsection (c), a civil action
22 for the recovery thereof may, in the discretion of the head
23 of the department or agency concerned, be brought in the
24 name of the United States. In any such action, the court

1 shall determine de novo all issues necessary to the establish-
2 ment of liability. Except as provided in this subsection and
3 in subsection (d), no such liability shall be asserted, claimed,
4 or recovered upon by the United States in any way unless
5 it has previously been reduced to judgment.

6 “(g) Nothing in subsection (c), (d), or (f) shall
7 limit—

8 “(1) the availability of other administrative or judi-
9 cial remedies with respect to violations of this Act or any
10 regulation, order, or license issued under this Act,

11 “(2) the authority to compromise and settle ad-
12 ministrative proceedings brought with respect to viola-
13 tions of this Act or any regulation, order, or license
14 issued under this Act, or

15 “(3) the authority to compromise, remit, or miti-
16 gate seizures and forfeitures pursuant to section 1 (b)
17 of title VI of the Act of June 15, 1917 (22 U.S.C.
18 401 (b)).”

19 SEC. 3. (a) Section 2 of the Export Control Act of
20 1949 (50 U.S.C. App. 2022) is amended (1) by redesignig-
21 nating clauses (a), (b), and (c) in the first sentence as
22 (A), (B), and (C), (2) by inserting “(1)” at the be-
23 ginning of the first, “(2)” at the beginning of the second,
24 and “(3)” at the beginning of the third typographical

1 paragraph thereof, and (3) by adding at the end thereof the
2 following new paragraph:

3 “(4) The Congress further declares that it is the policy
4 of the United States (A) to oppose restrictive trade practices
5 or boycotts fostered or imposed by foreign countries against
6 other countries friendly to the United States and (B) to
7 encourage and request domestic concerns engaged in the
8 export of articles, materials, supplies, or information, to
9 refuse to take any action, including the furnishing of in-
10 formation or the signing of agreements which have the
11 effect of furthering or supporting the restrictive trade prac-
12 tices or boycotts fostered or imposed by any foreign country
13 against another country friendly to the United States.”

14 (b) Section 3 (c) of such Act is amended by changing
15 “clause (b) or clause (c) of section 2 thereof” to read
16 “section 2 (1) (B) or 2 (1) (C) of this Act”.

17 SEC. 4. (a) The first and last sentences of section 3 (a)
18 of such Act (50 U.S.C. App. 2023 (a)) are amended by
19 inserting immediately after “technical data” the following:
20 “or any other information”.

21 (b) Section 4 (a) of such Act (50 U.S.C. App. 2024
22 (a)) is amended (1) by changing “which articles, mate-
23 rials, or supplies” to read “what” and (2) by striking out
24 “thereof”.

25 (c) Section 5 (b) of such Act (50 U.S.C. App. 2025

1 (b)) is amended by changing "any material" to read
2 "anything".

3 (d) Section 3 (a) of such Act is further amended by
4 adding at the end thereof the following new sentence: "Such
5 rules and regulations shall implement the provisions of sec-
6 tion 2 (4) of this Act."

7 (c) Rules and regulations required to be promulgated
8 pursuant to the amendment made by subsection (d) of this
9 section shall be promulgated as expeditiously as practicable,
10 and shall be published in the Federal Register within ninety
11 days after the date of enactment of this Act.

Passed the House of Representatives June 8, 1965.

Attest:

RALPH R. ROBERTS,

Clerk.

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