

1 SEC. 102. (a) Section 11(b) of the Act (50 U.S.C. App.
2 2410(b)) is amended by inserting after paragraph (2) the fol-
3 lowing new paragraphs:

4 “(3) Any person who conspires or attempts to export
5 anything contrary to any provision of this Act or any regula-
6 tion, order, or license issued under this Act shall be subject to
7 the penalties set forth in subsection (a), except that in the
8 case of a violation of an export control imposed under section
9 5 of this Act, such person shall be subject to the penalties set
10 forth in paragraph (1) of this subsection.

11 “(4) Any person who possesses any goods or technol-
12 ogy—

13 “(A) with the intent to export such goods or tech-
14 nology in violation of an export control imposed under
15 section 5 or 6 of this Act or any regulation, order, or
16 license issued with respect to such control; or

17 “(B) knowing or having reason to believe that the
18 goods or technology would be so exported;

19 shall, in the case of a violation of an export control imposed
20 under section 5, be subject to the penalties set forth in para-
21 graph (1) of this subsection and, in the case of a violation of
22 an export control imposed under section 6, shall be subject to
23 the penalties set forth in subsection (a).”.

24 (b) Section 11(c)(2) of the Act is amended by adding at
25 the end thereof the following new subparagraph:

1 “(D) An exception to any order issued under this Act
2 which revokes the authority of a United States person to
3 export goods or technology may not be made unless the
4 Committee on Foreign Affairs of the House of Representa-
5 tives and the Committee on Banking, Housing, and Urban
6 Affairs of the Senate are first consulted concerning the ex-
7 ception.”.

8 (c) Section 11(e) of the Act is amended by inserting “or
9 any property interest or proceeds forfeited pursuant to sub-
10 section (f)” after “subsection (c)”.

11 (d) Section 11 of the Act is amended—

12 (1) by redesignating subsections (f) and (g) as sub-
13 sections (g) and (h), respectively; and

14 (2) by inserting after subsection (e) the following
15 new subsection:

16 “(f) **FORFEITURE OF PROPERTY INTEREST AND PRO-**
17 **CEEDS.**—Any person who is convicted of a violation of an
18 export control imposed under section 5 of this Act shall, in
19 addition to any other penalty, forfeit to the United States (A)
20 any property interest that person has in the goods or technol-
21 ogy that were the subject of the violation or that were used
22 to facilitate the commission of the violation, and (B) any pro-
23 ceeds derived directly or indirectly by that person from the
24 transaction from which the violation arose.”.

1 (e) Section 11(h) of the Act, as redesignated by subsec-
2 tion (d) of this section, is amended by striking out “or (f)” and
3 inserting in lieu thereof “(f), or (g)”.

4 ENFORCEMENT AUTHORITY

5 SEC. 103. Section 12(a) of the Act (50 U.S.C. App.
6 2411(a)) is amended—

7 (1) by inserting “(1)” immediately before the first
8 sentence; and

9 (2) by adding at the end thereof the following new
10 paragraphs:

11 “(2) The Secretary may designate any officer or em-
12 ployee of the Department of Commerce to do the following in
13 carrying out enforcement authorities under this Act:

14 “(A) Execute any warrant or other process issued
15 by a court or officer of competent jurisdiction with re-
16 spect to the enforcement of the provisions of this Act.

17 “(B) Make arrests without warrant for any viola-
18 tion of this Act committed in his or her presence or
19 view, or if the officer or employee has probable cause
20 to believe that the person to be arrested has committed
21 or is committing such a violation.

22 “(C) Search without warrant or process any
23 person, place, or vehicle on which, and any baggage in
24 which, the officer or employee has probable cause to

1 believe there are goods or technology being exported
2 or about to be exported in violation of this Act.

3 “(D) Seize without warrant or process any goods
4 or technology which the officer or employee has prob-
5 able cause to believe have been, are being, or are
6 about to be exported in violation of this Act.

7 “(E) Carry firearms in carrying out any activity
8 described in subparagraphs (A) through (D).

9 “(3)(A) Notwithstanding any other provision of law, the
10 authority of customs officers with respect to violations of this
11 Act shall be limited to (i) inspection of or other search for and
12 detention and seizure of goods or technology at those places
13 in which such officers are authorized by law to conduct such
14 searches, detentions, and seizures, and (ii) any investigation
15 conducted prior to such inspection, search, detention, or sei-
16 zure. Upon seizure by any customs officer of any goods or
17 technology in the enforcement of this Act, the matter shall be
18 referred to the Department of Commerce for further investi-
19 gation and other appropriate action under this Act.

20 “(B) In conducting inspections of goods and technology
21 in the enforcement of this Act, the United States Customs
22 Service shall limit those inspections to goods and technology
23 with respect to which the Customs Service has received spe-
24 cific information of possible violations of this Act, and shall
25 not conduct random inspections which would result in the

1 “(2) Licenses authorizing multiple exports, issued
2 pursuant to an application by the exporter, in lieu of a
3 validated license for each such export, including but
4 not limited to the following:

5 “(A) A qualified general license, authorizing
6 exports of goods for approved end uses.

7 “(B) A distribution license, authorizing ex-
8 ports of goods to approved distributors or users of
9 the goods.

10 “(C) A project license, authorizing exports of
11 goods or technology for a specified activity.

12 “(D) A service supply license, authorizing
13 exports of spare or replacement parts for goods
14 previously exported.

15 “(E) A comprehensive operations license,
16 authorizing exports of goods or technology be-
17 tween a domestic concern and any foreign subsidi-
18 ary or affiliate of that concern.”.

19 **NATIONAL SECURITY CONTROLS**

20 **SEC. 105.** (a) Section 5(b) of the Act is amended by
21 adding at the end thereof the following new sentence: “No
22 authority or permission to export may be required under this
23 section before goods or technology are exported in the case of
24 exports to a country which maintains export controls on such
25 goods or technology cooperatively with the United States,

1 except that the Secretary may by regulation require any
2 person exporting any such goods or technology which are
3 otherwise subject to export controls under this section to
4 notify the Department of Commerce of those exports.”.

5 (b) Section 5(b) of the Act is further amended—

6 (1) by inserting “(1)” immediately before the first
7 sentence; and

8 (2) by adding at the end thereof the following new
9 paragraph:

10 “(2) A department or agency may not recommend denial
11 of an application to export to the People’s Republic of China
12 any good or technology subject to an export control under
13 this section solely on the basis of the technical level of that
14 good or technology if that technical level does not exceed
15 twice the technical level that department or agency would
16 approve for export of that good or technology to a country to
17 which exports of that good or technology are subject to the
18 strictest controls under this section. The preceding sentence
19 shall not apply to exports of any goods or technology—

20 “(A) which are intended for a nuclear related end-
21 use or end-user;

22 “(B) which have been identified pursuant to sec-
23 tion 309(c) of the Nuclear Non-Proliferation Act of
24 1978 as items which could, if used for purposes other

1 than those for which the export is intended, be of sig-
2 nificance for nuclear explosive purposes; or

3 “(C) which are otherwise subject to the proce-
4 dures established pursuant to section 309(c) of the Nu-
5 clear Non-Proliferation Act of 1978.”.

6 (c) Section 5 of the Act is amended by adding at the end
7 thereof the following new subsections:

8 “(m) REMOVAL OF CERTAIN CONTROL.—(1) In any
9 case in which during any 1-year period in which export li-
10 cense applications have been filed for the export of a good
11 subject to an export control under this section, all such li-
12 cense applications have been approved, the Secretary shall,
13 at the end of that 1-year period, remove the export control on
14 exports of that good.

15 “(2) This subsection shall not apply to export controls
16 which the United States maintains cooperatively with any
17 other country.

18 “(n) GOODS CONTAINING MICROPROCESSORS.—
19 Export controls may not be imposed under this section on a
20 good solely on the basis that the good contains a nonrepro-
21 grammable imbedded microprocessor. An export control may
22 be imposed under this section on a good containing such a
23 microprocessor only on the basis that the functions of the
24 good itself are such that the good, if exported, would make a
25 significant contribution to the military potential of any other

1 country or combination of countries which would prove detri-
2 mental to the national security of the United States.”.

3 FOREIGN AVAILABILITY

4 SEC. 106. (a) Section 4(c) of the Act (50 U.S.C. App.
5 2403(c)) is amended—

6 (1) by striking out “foreign policy or”; and

7 (2) by striking out “, unless” and all that follows
8 through the end of the sentence and inserting in lieu
9 thereof a period.

10 (b) Section 5(f)(4) of the Act (50 U.S.C. App. 2404(f)(4))
11 is amended by striking out the first sentence and inserting in
12 lieu thereof the following: “In any case in which export con-
13 trols are maintained under this section notwithstanding for-
14 eign availability, on account of a determination by the Presi-
15 dent that the absence of the controls would prove detrimental
16 to the national security of the United States, the President
17 shall take the necessary steps to conduct negotiations with
18 the governments of the appropriate foreign countries for the
19 purpose of eliminating such availability. If, within 6 months
20 after the President’s determination, the foreign availability
21 has not been eliminated, the Secretary may not, after the end
22 of that 6-month period, require a validated license for the
23 export of the goods or technology involved.”.

24 (c) Section 5(f)(3) of the Act is amended to read as fol-
25 lows:

1 “(3) With respect to export controls imposed under this
2 section, in making any determination of foreign availability,
3 the Secretary shall accept the representations of applicants
4 unless such representations are contradicted by reliable evi-
5 dence, including scientific or physical examination, expert
6 opinion based upon adequate factual information, and intelli-
7 gence information.”.

8 (d) Section 5(h)(6) of the Act is amended by striking out
9 “and provides adequate documentation” and all that follows
10 through the end of the paragraph and inserting in lieu thereof
11 the following: “the technical advisory committee shall submit
12 that certification to the Congress at the same time the certifi-
13 cation is made to the Secretary, together with the documen-
14 tation for the certification, in accordance with the procedures
15 established pursuant to subsection (f)(1) of this section. The
16 Secretary shall investigate the foreign availability so certified
17 and, not later than 90 days after the certification is made,
18 shall submit a report to the technical advisory committee and
19 the Congress stating that (A) the Secretary has removed the
20 requirement of a validated license for the export of the goods
21 or technology, on account of the foreign availability, (B) the
22 Secretary has recommended to the President that negotia-
23 tions be conducted to eliminate the foreign availability, or (C)
24 the Secretary has determined on the basis of the investigation
25 that the foreign availability does not exist. To the extent nec-

1 and such other matters as the President considers appropri-
2 ate.”.

3 (b) Section 6(f) of the Act, as redesignated by subsection
4 (a)(1) of this section, is amended—

5 (1) in the second sentence by striking out “submit
6 with such notification” and inserting in lieu thereof “,
7 not later than 10 days after the export controls are so
8 imposed, expanded, or extended, submit to the Con-
9 gress”;

10 (2) in paragraph (1), by striking out “and” after
11 the semicolon;

12 (3) in paragraph (2), by striking out “(d)” and in-
13 serting in lieu thereof “(e)” and by redesignating such
14 paragraph as paragraph (3); and

15 (4) by inserting after paragraph (1) the following
16 new paragraph:

17 “(2) the extent and results of the consultation
18 with industry pursuant to subsection (c) and of the con-
19 sultation with other countries pursuant to subsection
20 (d); and”.

21 (c) Section 6(i) of the Act, as redesignated by subsection
22 (a)(1) of this section, is amended by striking out “(f), and (g)”
23 and inserting in lieu thereof “(e), (g), and (h)”.

1 to export' includes, but is not limited to, an export sales
2 agreement and an agreement to invest in an enterprise which
3 involves the export of goods or technology.”.

4 (c) The amendment made by subsection (a) shall not
5 apply to export controls imposed before the date of the enact-
6 ment of this Act. The amendment made by subsection (b)
7 shall apply to export controls in effect on the date of the
8 enactment of this Act and export controls imposed after such
9 date.

10 EXEMPTION FROM FOREIGN POLICY CONTROLS

11 SEC. 109. Section 6(g) of the Act (50 U.S.C. App.
12 2405(g)), as redesignated by section 107(a)(1) of this Act, is
13 amended—

14 (1) in the subsection catchline by striking out
15 “and for Certain Food Exports” and inserting in lieu
16 thereof “, Certain Food Exports, and Certain Dona-
17 tions”;

18 (2) in the first sentence by striking out the period
19 and inserting in lieu thereof “, and this section does
20 not authorize export controls on donations of goods,
21 such as food or clothing, intended to be used to meet
22 basic human needs. It is the intent of the Congress
23 that the President not impose export controls under
24 this section on any goods or technology if he deter-
25 mines that the principal effect of the export of such

1 goods or technology would be to help meet basic
2 human needs.”;

3 (3) by striking out the sixth sentence; and

4 (4) in the seventh sentence by striking out “or of
5 food” and inserting in lieu thereof “, of food, or of do-
6 nations of goods”.

7 FOREIGN POLICY CONTROLS AUTHORITY

8 SEC. 110. (a) The first sentence of section 6(a)(1) of the
9 Act (50 U.S.C. App. 2405(a)(1)) is amended to read as fol-
10 lows: “In order to carry out the policy set forth in paragraph
11 (2)(B), (7), or (8) of section 3 of this Act, the President may
12 prohibit or curtail the exportation from the United States of
13 any goods, technology, or other information produced in the
14 United States, to the extent necessary to further significantly
15 the foreign policy of the United States or to fulfill its declared
16 international obligations.”.

17 (b) Section 6 of the Act, as amended by sections 107
18 and 108 of this Act, is further amended by adding at the end
19 thereof the following new subsection:

20 “(n) EXPANDED AUTHORITY TO IMPOSE CON-
21 TROLS.—(1) In any case in which the President determines
22 that it is necessary to impose controls under this section—

23 “(A) with respect to goods, technology, other in-
24 formation, or persons other than that authorized by
25 subsection (a)(1); or

1 Urban Affairs of the Senate and the Committee on Foreign
2 Affairs of the House of Representatives. If either such com-
3 mittee has not reported the joint resolution at the end of 30
4 days of continuous session after its referral, such committee
5 shall be deemed to be discharged from further consideration
6 of the resolution.

7 “(4) When the committee has reported, or has been dis-
8 charged from further consideration of, a joint resolution, it is
9 at any time thereafter in order (even though a previous
10 motion to the same effect has been disagreed to) for any
11 Member of the respective House to move to proceed to the
12 consideration of the resolution. The motion is highly privi-
13 leged and is not debatable. The motion shall not be subject to
14 amendment, or to a motion to postpone, or to a motion to
15 proceed to the consideration of other business. A motion to
16 reconsider the vote by which the motion is agreed to or disa-
17 greed to shall not be in order. If a motion to proceed to the
18 consideration of the resolution is agreed to, the resolution
19 shall remain the unfinished business of the respective House
20 until disposed of.

21 “(5) Debate on the joint resolution, and on all debatable
22 motions and appeals in connection therewith, shall be limited
23 to not more than ten hours, which shall be divided equally
24 between individuals favoring and individuals opposing the
25 resolution. A motion further to limit debate is in order and

1 not debatable. An amendment to a motion to postpone, or a
2 motion to recommit the resolution, or a motion to proceed to
3 the consideration of other business shall not be in order. A
4 motion to reconsider the vote by which the resolution is
5 agreed to or disagreed to shall not be in order. No amend-
6 ment to the resolution is in order.

7 “(6) Appeals from the decisions of the Chair relating to
8 the application of the rules of the Senate or the House of
9 Representatives, as the case may be, to the procedure relat-
10 ing to such a joint resolution shall be decided without debate.

11 “(7) For purposes of this subcommittee—

12 “(A) continuity of session is broken only by an ad-
13 journment of Congress sine die, and

14 “(B) the days on which either House is not in ses-
15 sion because of an adjournment of more than 3 days to
16 a day certain are excluded in the computation of any
17 period of time in which Congress is in continuous ses-
18 sion.

19 “(8) The provisions of this subsection are enacted by the
20 Congress—

21 “(A) as an exercise of the rulemaking power of
22 the Senate and the House of Representatives, respec-
23 tively, and as such they are deemed a part of the rules
24 of each House, respectively, but applicable only with
25 respect to the procedure to be followed in that House

1 in the case of resolutions described in paragraph (2) of
2 this subsection; and they supersede other rules only to
3 the extent that they are inconsistent therewith; and

4 “(B) with full recognition of the constitutional
5 right of either House to change the rules (so far as re-
6 lating to the procedure of that House) at any time, in
7 the same manner and to the same extent as in the case
8 of any other rule of that House.”.

9 (c) The amendments made by subsections (a) and (b) of
10 this section shall not apply to export controls imposed under
11 section 6 of the Act before the date of the enactment of this
12 Act which are extended before the date of the enactment of
13 this Act which are extended in accordance with such section
14 6 or on or after such date of enactment.

15 REFINED PETROLEUM PRODUCTS

16 SEC. 111. Section 7(a)(1) of the Act (50 U.S.C. App.
17 2406(e)(1)) is amended in the first sentence by striking out
18 “No” and inserting in lieu thereof “In any case in which the
19 President determines that it is necessary to impose export
20 controls on refined petroleum products in order to carry out
21 the policy set forth in section 3(2)(C) of this Act, the Presi-
22 dent shall also notify the Congress of that determination. The
23 President shall also notify the Congress if and when he deter-
24 mines that such export controls are no longer necessary.

1 During any period in which a determination that such export
2 controls are necessary is in effect, no”.

3 LICENSING PROCEDURES

4 SEC. 112. (a) Section 10(f)(3) of the Act (50 U.S.C.
5 App. 2409(f)(3)) is amended—

6 (1) in the first sentence—

7 (A) by inserting “the proposed” before
8 “denial” the first two places it appears; and

9 (B) by striking out “denial” the third place it
10 appears and inserting in lieu thereof “determina-
11 tion to deny the application”; and

12 (2) by inserting after the first sentence the follow-
13 ing new sentence: “The Secretary shall allow the ap-
14 plicant at least 30 days to respond to the Secretary’s
15 determination before the license application is denied.”.

16 (b) Section 10 of the Act is amended—

17 (1) in the section heading by adding “; Other In-
18 quiries” after “Applications”; and

19 (2) by adding at the end thereof the following new
20 subsections:

21 “(k) CHANGES IN REQUIREMENT FOR APPLICA-
22 TIONS.—Except as provided in subsection (b)(3) of this sec-
23 tion, in any case in which, after a license application is sub-
24 mitted, the Secretary changes the requirements for such a
25 license application, the Secretary may request appropriate

1 additional information of the applicant, but the Secretary may
 2 not return the application to the applicant without action be-
 3 cause it fails to meet the changed requirements.

4 “(l) OTHER INQUIRIES.—In any case in which the Sec-
 5 retary receives a written request asking for the proper classi-
 6 fication of a good or technology on the commodity control
 7 list, the Secretary shall inform the person making the request
 8 of the proper classification within 60 days after receipt of the
 9 request.”.

10

ANNUAL REPORT

11 SEC. 113. Section 14 of the Act (50 U.S.C. App. 2413)
 12 is amended—

13 (1) by redesignating paragraphs (11) through (20)
 14 as paragraphs (12) through (21), respectively; and

15 (2) by inserting after paragraph (10) the following
 16 new paragraph:

17 “(11) the removal of export controls on goods
 18 pursuant to section 5(m);”.

19

TECHNICAL AMENDMENTS

20 SEC. 114. (a) Section 7(i)(1) of the Act (50 U.S.C. App.
 21 2406(i)(1)) is amended in the last sentence by inserting “har-
 22 vested from State or Federal lands” after “red cedar logs”.

23 (b) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is
 24 amended by striking out “Nothing” and inserting in lieu
 25 thereof “Except as otherwise provided in this Act, nothing”.

1 (c) Section 38(e) of the Arms Export Control Act (22
2 U.S.C. 2778(e)) is amended by striking out “(f)” and insert-
3 ing in lieu thereof “(g)”.

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 115. (a) Section 18 of the Act (50 U.S.C. App.
6 2417) is amended to read as follows:

7 “AUTHORIZATION OF APPROPRIATIONS

8 “SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGIS-
9 LATION.—(1) Notwithstanding any other provision of law,
10 money appropriated to the Department of Commerce for ex-
11 penses to carry out the purposes of this Act may be obligated
12 or expended only if—

13 “(A) the appropriation thereof has been previously
14 authorized by law enacted on or after the date of the
15 enactment of the Export Administration Amendments
16 Act of 1983; or

17 “(B) the amount of all such obligations and ex-
18 penditures does not exceed an amount previously pre-
19 scribed by law enacted on or after such date.

20 “(2) To the extent that legislation enacted after the
21 making of an appropriation to carry out the purposes of this
22 Act authorizes the obligation or expenditure thereof, the limi-
23 tation contained in paragraph (1) shall have no effect.

24 “(3) The provisions of this subsection shall not be super-
25 seded except by a provision of law enacted after the date of

1 HOURS OF OFFICE OF EXPORT ADMINISTRATION

2 SEC. 117. The Secretary shall modify the office hours of
3 the Office of Export Administration of the Department of
4 Commerce on at least four days of each workweek so as to
5 accommodate communications to the Office by exporters
6 throughout the continental United States during the normal
7 business hours of those exporters.

8 TITLE II—EXPORT PROMOTION PROGRAMS

9 REQUIREMENT OF PRIOR AUTHORIZATION

10 SEC. 201. (a) Notwithstanding any other provision of
11 law, money appropriated to the Department of Commerce for
12 expenses to carry out any export promotion program may be
13 obligated or expended only if—

14 (1) the appropriation thereof has been previously
15 authorized by law enacted on or after the date of the
16 enactment of this Act; or

17 (2) the amount of all such obligations and expend-
18 itures does not exceed an amount previously prescribed
19 by law enacted on or after such date.

20 (b) To the extent that legislation enacted after the
21 making of an appropriation to carry out any export promotion
22 program authorizes the obligation or expenditure thereof, the
23 limitation contained in subsection (a) shall have no effect.

24 (c) The provisions of this section shall not be superseded
25 except by a provision of law enacted after the date of the

1 enactment of this Act which specifically repeals, modifies, or
2 supersedes the provisions of this section.

3 (d) For purposes of this title, the term “export promo-
4 tion program” means any activity of the Department of Com-
5 merce designed to stimulate or assist United States business-
6 es in marketing their goods and services abroad competitively
7 with businesses from other countries, including but not
8 limited to—

9 (1) trade development (except for the trade adjust-
10 ment assistance program) and dissemination of foreign
11 marketing opportunities and other marketing informa-
12 tion to United States producers of goods and services,
13 including the expansion of foreign markets for United
14 States textiles and apparel and any other United States
15 products;

16 (2) the development of regional and multilateral
17 economic policies which enhance United States trade
18 and investment interests, and the provision of market-
19 ing services with respect to foreign countries and
20 regions;

21 (3) the exhibition of United States goods in other
22 countries; and

23 (4) the operations of the United States Commer-
24 cial Service and the Foreign Commercial Service, or
25 any successor agency.

1 **AUTHORIZATION OF APPROPRIATIONS**

2 **SEC. 202.** There is authorized to be appropriated for
3 each of the fiscal years 1984 and 1985 to the Department of
4 Commerce to carry out export promotion programs
5 \$100,458,000.

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