98TH CONGRESS
1ST SESSION

# H. R. 3231

[Report No. 98–257, Part I]

To amend the authorities contained in the Export Administration Act of 1979, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1983

Mr. BONKER (for himself, Mr. ZABLOCKI, Mr. FASCELL, Mr. HAMILTON, Mr. SOLARZ, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. CROCKETT, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. GARCIA, Mr. WINN, Mr. PRITCHARD, Mr. LEACH of Iowa, Mr. BEREUTER, and Mr. ZSCHAU) introduced the following bill; which was referred to the Committee on Foreign Affairs

JUNE 22, 1983

Additional sponsors: Mr. CHANDLER, Mr. PATTERSON, and Mr. MCNULTY

JUNE 22, 1983

Referred to the following committees for a period ending not later than July 22, 1983: to the Committee on Armed Services, for consideration of such portions of section 109 of the bill as fall within its jurisdiction pursuant to clause 1(c) of rule X; to the Committee on Banking, Finance and Urban Affairs for consideration of such portions of title III of the bill as fall within its jurisdiction pursuant to clause 1(d) of rule X; and referred to the Committee on the Judiciary for consideration of such portions of section 103 of the bill as fall within its jurisdiction pursuant to clause 1(m) of rule X

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# A BILL

To amend the authorities contained in 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 SHORT TITLE

4 SECTION 1. Titles I and II of this Act may be cited as
5 the "Export Administration Amendments Act of 1983".

6 TITLE I—AMENDMENTS TO EXPORT
7 ADMINISTRATION ACT OF 1979

8 REFERENCE TO THE ACT

9 SEC. 101. For purposes of this title, the Export Admin-
10 istration Act of 1979 shall be referred to as "the Act".

11 VIOLATIONS

12 SEC. 102. (a) Section 11(b) of the Act (50 U.S.C. App.
13 2410(b)) is amended by inserting after paragraph (2) the fol-
14 lowing new paragraphs:

15 "(3) Any person who conspires or attempts to export
16 anything contrary to any provision of this Act or any regula-
17 tion, order, or license issued under this Act shall be subject to
18 the penalties set forth in subsection (a), except that in the
19 case of a violation of an export control imposed under section
20 5 of this Act, such person shall be subject to the penalties set
21 forth in paragraph (1) of this subsection.

22 "(4) Any person who possesses any goods or tech-
23 nology—

24 "(A) with the intent to export such goods or tech-
25 nology in violation of an export control imposed under

1 section 5 or 6 of this Act or any regulation, order, or
2 license issued with respect to such control; or
3 "(B) knowing or having reason to believe that the
4 goods or technology would be so exported;
5 shall, in the case of a violation of an export control imposed
6 under section 5, be subject to the penalties set forth in para-
7 graph (1) of this subsection and shall, in the case of a viola-
8 tion of an export control imposed under section 6, be subject
9 to the penalties set forth in subsection (a).
10 "(5) Any person who takes any action with the intent to
11 evade the provisions of this Act or any regulation, order, or
12 license issued under this Act shall be subject to the penalties
13 set forth in subsection (a), except that in the case of an eva-
14 sion of a foreign policy or national security control, such
15 person shall be subject to the penalties set forth in paragraph
16 (1) of this subsection.".
17 (b) Section 11(c) of the Act is amended by adding at the
18 end thereof the following new paragraph:
19 "(3) An exception to any order issued under this Act
20 which revokes the authority of a United States person to
21 export goods or technology may not be made unless the
22 Committee on Foreign Affairs of the House of Representa-
23 tives and the Committee on Banking, Housing, and Urban
24 Affairs of the Senate are first consulted concerning the ex-
25 ception.".

(c) Section 11(e) of the Act is amended by inserting "or any property interest or proceeds forfeited pursuant to subsection (f)" after "subsection (c)".

(d) Section 11 of the Act is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

"(f) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—Any person who is convicted of a violation of an export control imposed under section 5 of this Act shall, in addition to any other penalty, forfeit to the United States (A) any property interest that person has in the goods or technology that were the subject of the violation or that were used to facilitate the commission of the violation, and (B) any proceeds derived directly or indirectly by that person from the transaction from which the violation arose.".

(e) Section 11(h) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

ENFORCEMENT AUTHORITY

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

(1) by inserting "(1)" immediately before the first sentence; and

1 (2) by adding at the end thereof the following new
2 paragraphs:
3 "(2) The Secretary may designate any officer or em-
4 ployee of the Department of Commerce to do the following in
5 carrying out enforcement authorities under this Act:
6 "(A) Execute any warrant or other process issued
7 by a court or officer of competent jurisdiction with re-
8 spect to the enforcement of the provisions of this Act.
9 "(B) Make arrests without warrant for any viola-
10 tion of this Act committed in his or her presence or
11 view, or if the officer or employee has probable cause
12 to believe that the person to be arrested has committed
13 or is committing such a violation.
14 "(C) Search without warrant or process any
15 person, place, or vehicle on which, and any baggage in
16 which, the officer or employee has probable cause to
17 believe there are goods or technology being exported
18 or about to be exported in violation of this Act.
19 "(D) Seize without warrant or process any goods
20 or technology which the officer or employee has prob-
21 able cause to believe have been, are being, or are
22 about to be exported in violation of this Act.
23 "(E) Carry firearms in carrying out any activity
24 described in subparagraphs (A) through (D).

1 "(3)(A) Notwithstanding any other provision of law, the
2 authority of customs officers with respect to violations of this
3 Act shall be limited to (i) inspection of or other search for and
4 detention and seizure of goods or technology at those places
5 in which such officers are authorized by law to conduct such
6 searches, detentions, and seizures, and (ii) any investigation
7 conducted prior to such inspection, search, detention, or seiz-
8 ure. Upon seizure by any customs officer of any goods or
9 technology in the enforcement of this Act, the matter shall be
10 referred to the Department of Commerce for further investi-
11 gation and other appropriate action under this Act.

12 "(B) In conducting inspections of goods and technology
13 in the enforcement of this Act, the United States Customs
14 Service shall limit those inspections to goods and technology
15 with respect to which the Customs Service has received spe-
16 cific information of possible violations of this Act, and shall
17 not conduct random inspections which would result in the
18 detainment of shipments of goods or technology that are in
19 full compliance with this Act.

20 "(C) Notwithstanding any other provision of law, not
21 more than $14,000,000 may be expended by the United
22 States Customs Service in any fiscal year in the enforcement
23 of export controls.

24 "(4) All provisions of law relating to the seizure, forfeit-
25 ure, and condemnation of articles for violations of the cus-

1 toms laws, the disposition of such articles or the proceeds
2 from the sale thereof, and the remission or mitigation of such
3 forfeitures, shall apply to the seizures and forfeitures in-
4 curred, or alleged to have been incurred, under the provisions
5 of this subsection or section 11(f) of this Act, insofar as such
6 provisions of law are applicable and not inconsistent with the
7 provisions of this subsection or section 11(f) of this Act;
8 except that all powers, rights, and duties conferred or im-
9 posed by the customs laws upon any officer or employee of
10 the Department of the Treasury shall, for the purposes of this
11 subsection and section 11(f) of this Act, be exercised or per-
12 formed by the Secretary or by such persons as the Secretary
13 may designate.".

14 FINDINGS; DECLARATION OF POLICY

15 SEC. 104. (a)(1) Section 2 of the Act (50 U.S.C. App.
16 2401) is amended in paragraph (3) by striking out "which
17 would strengthen the Nation's economy" and inserting in lieu
18 thereof "consistent with the economic, security, and foreign
19 policy objectives of the United States".

20 (2) Section 2 of the Act is further amended by adding at
21 the end thereof the following:

22 "(10) It is important that the administration of
23 export controls imposed for foreign policy purposes
24 give special emphasis to the need to control exports of
25 goods and substances hazardous to the public health

1 and the environment that are banned or severely re-
2 stricted for use in the United States, which exports
3 could affect the international reputation of the United
4 States as a responsible trading partner.".

5 (b) Section 3 of the Act (50 U.S.C. App. 2402) is
6 amended by adding at the end thereof the following:

7 "(12) It is the policy of the United States to sus-
8 tain vigorous scientific enterprise. To do so requires
9 protecting the ability of scientists and other scholars
10 freely to communicate their research findings by means
11 of publication, teaching, conferences, and other forms
12 of scholarly exchange.

13 "(13) It is the policy of the United States to con-
14 trol the export of goods and substances banned or se-
15 verely restricted for use in the United States in order
16 to foster public health and safety and to prevent injury
17 to the foreign policy of the United States as well as
18 the credibility of the United States as a responsible
19 trading partner.".

20 TYPES OF LICENSES

21 SEC. 105. Section 4(a)(2) of the Act (50 U.S.C. App.
22 2403(a)(2)) is amended to read as follows:

23 "(2) Licenses authorizing multiple exports, issued
24 pursuant to an application by the exporter, in lieu of a

validated license for each such export, including but not limited to the following:

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

"(B) A distribution license, authorizing exports of goods to approved distributors or users of the goods.

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

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

"(E) A comprehensive operations license, authorizing exports of goods or technology between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint ventures, and licensees of that concern which are approved by the Secretary.".

NATIONAL SECURITY CONTROLS

SEC. 106. (a) Section 5(a)(1) of the Act (50 U.S.C. App. 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to

1 embassies and affiliates of countries to which exports of such
2 goods or technology are controlled under this section.".

3 (b) Section 5(b) of the Act is amended by adding at the
4 end thereof the following new sentence: "No authority or
5 permission to export may be required under this section
6 before goods or technology are exported in the case of ex-
7 ports to a country which maintains export controls on such
8 goods or technology cooperatively with the United States,
9 except that the Secretary may require an export license for
10 the export of such goods or technology to such end users as
11 the Secretary may specify by regulation. The Secretary may
12 also by regulation require any person exporting any such
13 goods or technology otherwise subject to export controls
14 under this section to notify the Department of Commerce of
15 those exports.".

16 (c) Section 5(e) of the Act is amended by adding at the
17 end thereof the following:

18 "(5) The export of technology and related goods subject
19 to export controls under this section, including items on the
20 list of militarily critical technologies developed pursuant to
21 subsection (d) of this section, shall be eligible for a compre-
22 hensive operations license which would authorize, over a
23 period of years and to countries other than those described in
24 section 620(f) of the Foreign Assistance Act of 1961, multi-
25 ple exports and reexports between and among a domestic

1 concern and foreign subsidiaries, affiliates, vendors, joint ven-
2 turers; and licensees of that concern which are approved by
3 the Secretary.

4 "(6) The export to countries other than those described
5 in section 620(f) of the Foreign Assistance Act of 1961 of
6 goods and technology subject to export controls under this
7 section shall be eligible for a distribution license or other li-
8 censes authorizing multiple exports. The Secretary shall peri-
9 odically monitor exports made pursuant to such licenses in
10 order to insure compliance with the provisions of this Act.".

11 (d) Section 5(g) of the Act is amended—

12 (1) in the second sentence by striking out "by the
13 latest such increase" and inserting in lieu thereof "by
14 the regulations"; and

15 (2) by inserting after the first sentence the follow-
16 ing: "The regulations issued by the Secretary shall es-
17 tablish as one criterion for the removal of goods or
18 technology from such license requirements the antici-
19 pated needs of the military of countries to which ex-
20 ports are controlled for national security purposes.".

21 (e) Section 5(k) of the Act is amended—

22 (1) by inserting ", including those countries not
23 participating in the group known as the Coordinating
24 Committee," after "other countries"; and

1 (2) by striking out "section 3(9)" and inserting in
2 lieu thereof "paragraphs (9) and (10) of section 3".
3 (f) Section 5 of the Act is amended by adding at the end
4 thereof the following new subsections:
5 "(m) REMOVAL OF CERTAIN CONTROLS.—(1) In any
6 case in which, during any 1-year period in which export li-
7 cense applications have been filed for the export of a good
8 subject to an export control under this section, all such li-
9 cense applications have been approved to a country group,
10 the Secretary shall, at the end of that 1-year period, remove
11 the export control on exports of that good to that country
12 group, except that the Secretary may require an export li-
13 cense for the export of that good to such end users in that
14 country group as the Secretary may specify by regulation.
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 an embedded
21 microprocessor, if such microprocessor cannot be used or al-
22 tered to perform functions other than those it performs in the
23 good in which it is embedded. An export control may be im-
24 posed under this section on a good containing such a micro-
25 processor only on the basis that the functions of the good

1 itself are such that the good, if exported, would make a sig-
2 nificant contribution to the military potential of any other
3 country or combination of countries which would prove detri-
4 mental to the national security of the United States.".

5 COORDINATING COMMITTEE

6 SEC. 107. Section 5(i) of the Act (50 U.S.C. App.
7 2404(i)) is amended by adding at the end thereof the
8 following:

9 "(5) Agreement to improve the International Con-
10 trol List and minimize the approval of exceptions to
11 that list, strengthen enforcement and cooperation in en-
12 forcement efforts, provide sufficient funding for the
13 Committee, and improve the structure and function of
14 the Secretariat of the Committee by upgrading profes-
15 sional staff, translation services, data base mainte-
16 nance, communications, and facilities.

17 "(6) Agreement to strengthen the Committee so
18 that it functions effectively in controlling export trade
19 in a manner that better protects the national security
20 of each participant to the benefit of all participants.".

21 FOREIGN AVAILABILITY

22 SEC. 108. (a) Section 5(f)(4) of the Act (50 U.S.C. App.
23 2404(f)(4)) is amended by striking out the first sentence and
24 inserting in lieu thereof the following: "In any case in which
25 export controls are maintained under this section notwith-

1 standing foreign availability, on account of a determination
2 by the President that the absence of the controls would prove
3 detrimental to the national security of the United States, the
4 President shall take the necessary steps to conduct negotia-
5 tions with the governments of the appropriate foreign coun-
6 tries for the purpose of eliminating such availability. If,
7 within 6 months after the President's determination, the for-
8 eign availability has not been eliminated, the Secretary may
9 not, after the end of that 6-month period, require a validated
10 license for the export of the goods or technology involved.".
11 (b) Section 5(f)(3) of the Act is amended to read as fol-
12 lows:
13 "(3) With respect to export controls imposed under this
14 section, in making any determination of foreign availability,
15 the Secretary shall accept the representations of applicants
16 unless such representations are contradicted by reliable evi-
17 dence, including scientific or physical examination, expert
18 opinion based upon adequate factual information, and intel-
19 ligence information.".
20 (c)(1) Section 5(f)(5) of the Act is amended to read as
21 follows:
22 "(5) The Secretary shall establish in the Department of
23 Commerce an Office of Foreign Availability which shall be
24 under the direction of the Assistant Secretary of Commerce
25 for Trade Administration. The Office shall be responsible for

1 gathering and analyzing all the necessary information in
2 order for the Secretary to make determinations of foreign
3 availability under this Act. The Secretary shall make availa-
4 ble to the Committee on Foreign Affairs of the House of
5 Representatives and the Committee on Banking, Housing,
6 and Urban Affairs of the Senate at the end of each 6-month
7 period during a fiscal year information on the operations of
8 the Office during that 6-month period. Such information shall
9 include a description of every determination made under this
10 Act during that 6-month period that foreign availability did
11 not exist, together with an explanation of that determina-
12 tion.".

13 (2) Section 5(f)(6) of the Act is amended by striking out
14 "Office of Export Administration" and inserting in lieu there-
15 of "Office of Foreign Availability".

16 (d) Section 5(f) of the Act is amended by adding at the
17 end thereof the following new paragraph:

18 "(7) The Secretary shall issue regulations with respect
19 to determinations of foreign availability under this Act not
20 later than 6 months after the date of the enactment of the
21 Export Administration Amendments Act of 1983.".

22 (e) Section 5(h)(6) of the Act is amended by striking out
23 "and provides adequate documentation" and all that follows
24 through the end of the paragraph and inserting in lieu thereof
25 the following: "the technical advisory committee shall submit

1 that certification to the Congress at the same time the certifi-
2 cation is made to the Secretary, together with the documen-
3 tation for the certification, in accordance with the procedures
4 established pursuant to subsection (f)(1) of this section. The
5 Secretary shall investigate the foreign availability so certified
6 and, not later than 90 days after the certification is made,
7 shall submit a report to the technical advisory committee and
8 the Congress stating that (A) the Secretary has removed the
9 requirement of a validated license for the export of the goods
10 or technology, on account of the foreign availability, (B) the
11 Secretary has recommended to the President that negotia-
12 tions be conducted to eliminate the foreign availability, or (C)
13 the Secretary has determined on the basis of the investigation
14 that the foreign availability does not exist. To the extent nec-
15 essary, the report may be submitted on a classified basis. In
16 any case in which the Secretary has recommended to the
17 President that negotiations be conducted to eliminate the for-
18 eign availability, the President shall take the necessary steps
19 to conduct such negotiations with the governments of the ap-
20 propriate foreign countries. If, within 6 months after the Sec-
21 retary submits such report to the Congress, the foreign avail-
22 ability has not been eliminated, the Secretary may not, after
23 the end of that 6-month period, require a validated license for
24 the export of the goods or technology involved.".

1 MILITARILY CRITICAL TECHNOLOGIES

2 SEC. 109. Section 5(d) of the Act (50 U.S.C. App.
3 2404(d)) is amended by striking out paragraphs (4) through
4 (6) and inserting in lieu thereof the following:

5 "(4)(A) The Secretary and the Secretary of Defense
6 shall complete the integration of the list of militarily critical
7 technologies into the commodity control list not later than
8 April 1, 1985. The integration of the list of militarily critical
9 technologies into the commodity control list shall be complet-
10 ed with all deliberate speed, and the Secretary and the Sec-
11 retary of Defense shall report to the appropriate committees
12 of the Congress, before April 1, 1985, any circumstances
13 which would preclude the completion of the integrated list by
14 that date. Such integrated list shall include only a good or
15 technology with respect to which the Secretary finds that
16 countries to which exports are controlled under this section
17 do not possess that good or technology, or a similar good or
18 technology, and the good or technology or similar good or
19 technology is not available in fact to such a country from
20 sources outside the United States in sufficient quantity and of
21 sufficient quality so that the requirement of a validated li-
22 cense for the export of such good or technology is or would
23 be ineffective in achieving the purpose set forth in subsection
24 (a) of this section, except in the case of a determination of the
25 President with respect to goods or technology under subsec-

1 tion (f)(1) of this section. The Secretary and the Secretary of
2 Defense shall jointly submit a report to the Congress, not
3 later than April 1, 1985, on actions taken to carry out this
4 subparagraph. In any case in which it is determined that a
5 good or technology should be included on the commodity con-
6 trol list completed pursuant to this subparagraph notwith-
7 standing foreign availability, the report to Congress shall
8 specify why inclusion of that good or technology would sig-
9 nificantly benefit United States military or national security.
10 "(B) The General Accounting Office shall evaluate the
11 efforts of the Secretary and the Secretary of Defense to inte-
12 grate the list of militarily critical technologies into the com-
13 modity control list, and the feasibility of such integration. In
14 conducting such evaluation, the General Accounting Office
15 shall determine whether foreign availability was used as a
16 criterion in developing the commodity control list pursuant to
17 subparagraph (A) and whether the completed list reflected
18 the intent of the Congress in enacting this subsection. In con-
19 ducting such evaluation, the General Accounting Office shall
20 have access to all information relating to the list of militarily
21 critical technologies, and representatives of the General Ac-
22 counting Office designated by the Comptroller General may
23 attend any meetings held in the executive branch with re-
24 spect to such list. The appropriate officers or employees shall
25 notify the General Accounting Office of when and where any

1 such meeting will be held. Not later than April 1, 1985, the
2 General Accounting Office shall submit a detailed report to
3 the Congress on the results of the evaluation conducted pur-
4 suant to this subparagraph.

5 "(C) The Secretary and the Secretary of Defense, in
6 completing the commodity control list pursuant to subpara-
7 graph (A), and the General Accounting Office, in conducting
8 the evaluation pursuant to subparagraph (B), shall consider
9 mechanisms to reduce significantly the list of militarily criti-
10 cal technologies, including evaluating for possible removal
11 from the list those goods or technology which are in one or
12 more of the following categories:

13 "(i) Goods and technology the transfer of which
14 would not lead to a significant near-term improvement
15 in the defense capability of a country to which exports
16 are controlled under this section.

17 "(ii) A technology that is evolving slowly.

18 "(iii) Technology that is not process-oriented.

19 "(iv) Components used in militarily sensitive de-
20 vices that in themselves are not sensitive.

21 "(D) The reports submitted pursuant to subparagraphs
22 (A) and (B) shall each include the results of the evaluation of
23 the goods and technology set forth in subparagraph (C) and
24 an evaluation of the feasibility of effectively imposing export

1 controls on technologies as opposed to goods which are the
2 products of those technologies.".

3 CRITERIA FOR FOREIGN POLICY CONTROLS; CONSULTA-
4 TION WITH OTHER COUNTRIES; REPORT TO CON-
5 GRESS

6 SEC. 110. (a) Section 6(b) of the Act (50 U.S.C. App.
7 2405(b)) is amended to read as follows:

8 "(b) CRITERIA.—When imposing, expanding, or ex-
9 tending export controls on goods or technology under this
10 section, the President shall consider whether—

11 "(1) the intended foreign policy purposes of the
12 proposed controls can be achieved through negotiations
13 or other alternative means;

14 "(2) the proposed controls are compatible with the
15 foreign policy objectives of the United States and with
16 overall United States policy toward the country to
17 which exports are to be subject to the proposed con-
18 trols;

19 "(3) the proposed controls will have an adverse
20 effect on the economic or political relations of the
21 United States with other friendly countries;

22 "(4) the proposed controls will have a substantial
23 adverse effect on the export performance of the United
24 States, on the competitive position of the United States
25 in the international economy, on the international repu-

1 tation of the United States as a reliable supplier of
2 goods and technology, or on the economic well-being of
3 individual United States industries, companies, and
4 their employees and communities;

5 "(5) the United States has the ability to enforce
6 the proposed controls effectively;

7 "(6) the proposed controls are likely to achieve
8 the intended foreign policy purpose; and

9 "(7)(A) the good or technology, or a similar good
10 or technology, is available in sufficient quantity from
11 sources outside the United States to the country to
12 which exports are to be subject to the proposed con-
13 trols, or (B) negotiations have been successfully con-
14 cluded with the appropriate foreign governments to
15 ensure the cooperation of such governments in control-
16 ling the export of such good or technology to the coun-
17 try to which exports are to be subject to the proposed
18 controls, except that the preceding provisions of this
19 paragraph shall not apply if the President determines
20 that the proposed controls are necessary to further ef-
21 forts by the United States to counter international ter-
22 rorism or to promote observance of internationally rec-
23 ognized human rights.".

24 (b) Section 6 of the Act is amended—

1 (1) by redesignating subsections (d) through (k) as
2 subsections (e) through (l), respectively; and
3 (2) by inserting after subsection (c) the following
4 new subsection:
5 "(d) CONSULTATION WITH OTHER COUNTRIES.—
6 Before export controls are imposed under this section, the
7 President should consult with the countries with which the
8 United States maintains export controls cooperatively, and
9 with such other countries as the President considers appro-
10 priate, with respect to the criteria set forth in subsection (b)
11 and such other matters as the President considers appropri-
12 ate.".
13 (c) Section 6(f) of the Act, as redesignated by subsection
14 (b)(1) of this section, is amended to read as follows:
15 "(f) CONSULTATION WITH THE CONGRESS.—(1) The
16 President may impose, expand, or extend export controls
17 under this section only after consultation with the Committee
18 on Foreign Affairs of the House of Representatives and the
19 Committee on Banking, Housing, and Urban Affairs of the
20 Senate.
21 "(2) Following consultation with the Congress in ac-
22 cordance with paragraph (1) and before imposing, expanding,
23 or extending export controls under this section, the President
24 shall submit to the Congress a report—

1 "(A) indicating how the proposed export controls
2 will further, significantly, the foreign policy of the
3 United States or will further its declared international
4 obligations;
5 "(B) specifying the conclusions of the President
6 with respect to each of the criteria set forth in subsec-
7 tion (b), and any possible adverse foreign policy conse-
8 quences;
9 "(C) describing the nature, the subjects, and the
10 results of the consultation with industry pursuant to
11 subsection (c) and with other countries pursuant to sub-
12 section (d);
13 "(D) specifying the nature and results of any al-
14 ternative means attempted under subsection (e), or the
15 reasons for imposing, expanding, or extending the con-
16 trols without attempting any such alternative means;
17 and
18 "(E) describing the availability from other coun-
19 tries of goods or technology comparable to the goods
20 or technology subject to the proposed export controls,
21 and describing the nature and results of the efforts
22 made pursuant to subsection (h) to secure the coopera-
23 tion of foreign governments in controlling the foreign
24 availability of such comparable goods or technology.

1 The concerns expressed by Members of Congress during the
2 consultations required by this subsection shall be specifically
3 addressed in each report submitted pursuant to this para-
4 graph.

5 "(3) To the extent necessary to further the effectiveness
6 of the export controls, portions of a report required by para-
7 graph (2) may be submitted to the Congress on a classified
8 basis, and shall be subject to the provisions of section 12(c) of
9 this Act.

10 "(4) In the case of export controls under this section
11 which prohibit or curtail the export of any agricultural com-
12 modity, a report submitted pursuant to paragraph (2) shall be
13 deemed to be the report required by section 7(g)(3) of this
14 Act.".

15 (d) Section 6(i) of the Act, as redesignated by subsection
16 (b)(1) of this section, is amended by striking out "(f), and (g)"
17 and inserting in lieu thereof "(e), (g), and (h)".

18 EFFECT OF CONTROLS ON EXISTING CONTRACTS AND
19 LICENSES

20 SEC. 111. (a) Section 6 of the Act (50 U.S.C. App.
21 2405), as amended by section 110 of this Act, is further
22 amended by adding at the end thereof the following new sub-
23 section:

24 "(m) EFFECT OF CONTROLS ON EXISTING CON-
25 TRACTS AND LICENSES.—Any export controls imposed

1 under this section shall not affect any contract to export en-
2 tered into before the date on which such controls are imposed
3 or any export license issued under this Act before such date.
4 The preceding sentence shall not apply in a case in which the
5 export controls imposed relate directly, immediately, and sig-
6 nificantly to actual or imminent acts of aggression or of inter-
7 national terrorism, to actual or imminent gross violations of
8 internationally recognized human rights, or to actual or im-
9 minent nuclear weapons tests, in which case the President
10 shall promptly notify the Congress of the circumstances to
11 which the export controls relate and of the contracts or li-
12 censes affected by the controls. Any export controls described
13 in the preceding sentence shall affect existing contracts and
14 licenses only so long as the acts of aggression or terrorism,
15 violations of human rights, or nuclear weapons tests continue
16 or remain imminent. For purposes of this subsection, the
17 term 'contract to export' includes, but is not limited to, an
18 export sales agreement and an agreement to invest in an en-
19 terprise which involves the export of goods or technology.".
20 (b) Section 7 of the Act (50 App. 2406) is amended by
21 adding at the end thereof the following new subsection:
22 "(k) EFFECT OF CONTROLS ON EXISTING CON-
23 TRACTS.—Any export controls imposed under this section
24 shall not affect any contract to export entered into before the
25 date on which such controls are imposed, including any con-

1 tract to harvest unprocessed western red cedar (as defined in
2 subsection (i)(4) of this section) from State lands, the perform-
3 ance of which contract would make the red cedar available
4 for export. For purposes of this subsection, the term 'contract
5 to export' includes, but is not limited to, an export sales
6 agreement and an agreement to invest in an enterprise which
7 involves the export of goods or technology.".

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

14 EXEMPTION FROM FOREIGN POLICY CONTROLS

15 SEC. 112. Section 6(g) of the Act (50 U.S.C. App.
16 2405(g)), as redesignated by section 110(b)(1) of this Act, is
17 amended—

18 (1) by inserting after the first sentence the follow-
19 ing: "This section also does not authorize export con-
20 trols on donations of goods, such as food and clothing,
21 intended to be used to relieve human suffering."; and

22 (2) by adding at the end thereof the following:
23 "The President may impose export controls under this
24 section on medicine, medical supplies, food, and dona-
25 tions of goods without regard to the other provisions of

1 this subsection in order to carry out the policy set forth
2 in paragraph (13) of section 3 of this Act.".

3 FOREIGN POLICY CONTROLS AUTHORITY

4 SEC. 113. (a) The first sentence of section 6(a)(1) of the
5 Act (50 U.S.C. App. 2405(a)(1)) is amended to read as fol-
6 lows: "In order to carry out the policy set forth in paragraph
7 (2)(B), (7), (8), or (13) of section 3 of this Act, the President
8 may prohibit or curtail the exportation from the United
9 States of any goods, technology, or other information pro-
10 duced in the United States, to the extent necessary to further
11 significantly the foreign policy of the United States or to ful-
12 fill its declared international obligations.".

13 (b) Section 6(a) of the Act is further amended by redes-
14 ignating paragraphs (2) through (4) as paragraphs (3) through
15 (5), respectively, and by inserting after paragraph (1) the fol-
16 lowing new paragraph:

17 "(2) Any export control imposed under this section shall
18 apply to any transaction or activity undertaken with the
19 intent to evade that export control, even if that export con-
20 trol would not otherwise apply to that transaction or
21 activity.".

22 (c) Section 6 of the Act, as amended by sections 110
23 and 111 of this Act, is further amended by adding at the end
24 thereof the following new subsection:

1 "(n) EXPANDED AUTHORITY TO IMPOSE CON-
2 TROLS.—(1) In any case in which the President determines
3 that it is necessary to impose controls under this section—
4 "(A) with respect to goods, technology, other in-
5 formation, or persons other than that authorized by
6 subsection (a)(1) of this section; or
7 "(B) without any limitation contained in subsec-
8 tion (c), (d), (e), (g), (h), or (m) of this section,
9 the President may impose those controls only if the President
10 submits that determination to the Congress, together with a
11 report pursuant to subsection (f) of this section with respect
12 to the proposed controls, and only if a law is enacted author-
13 izing the imposition of those controls. If a joint resolution
14 authorizing the imposition of those controls is introduced in
15 either House of Congress within 30 days of continuous ses-
16 sion after the Congress receives the determination and report
17 of the President, that joint resolution shall immediately be
18 referred to the Committee on Banking, Housing, and Urban
19 Affairs of the Senate and the Committee on Foreign Affairs
20 of the House of Representatives. If either such committee
21 has not reported the joint resolution at the end of 30 days of
22 continuous session after its referral, such committee shall be
23 deemed to be discharged from further consideration of the
24 resolution.

1 "(2) For purposes of this subsection, the term 'joint res-
2 olution' means a joint resolution the matter after the resolv-
3 ing clause of which is as follows: 'That the Congress, having
4 received on a determination of the President
5 under section 6(n)(1) of the Export Administration Act of
6 1979 with respect to the export controls which are set forth
7 in the report submitted to the Congress with that determina-
8 tion, authorizes the President to impose those export con-
9 trols.', with the date of the receipt of the determination and
10 report inserted in the blank.

11 "(3) For purposes of this subsection—

12 "(A) continuity of session is broken only by an ad-
13 journment of the 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
18 session.".

19 (d) The amendments made by subsections (a), (b), and (c)
20 of this section shall not apply to export controls imposed
21 under section 6 of the Act before the date of the enactment of
22 this Act which are extended in accordance with such section
23 6 on or after such date of enactment.

1 CRIME CONTROL INSTRUMENTS

2 SEC. 114. (a) Section 6(k)(1) of the Act (50 U.S.C. App.
3 2405(k)(1)), as redesignated by section 110(b)(1) of this Act,
4 is amended by adding at the end thereof the following new
5 sentence: "Notwithstanding any other provision of this Act,
6 any determination of the Secretary—

7 "(A) of what goods or technology shall be includ-
8 ed on the list established pursuant to subsection (l) of
9 this section as a result of the export restrictions im-
10 posed by this subsection shall be made with the con-
11 currence of the Secretary of State, or

12 "(B) to approve or deny an export license applica-
13 tion to export crime control or detection instruments or
14 equipment shall be made in concurrence with the rec-
15 ommendations of the Secretary of State submitted to
16 the Secretary with respect to the application pursuant
17 to section 10(e) of this Act,

18 except that if the Secretary does not agree with the Secre-
19 tary of State with respect to any such determination, the
20 matter shall be referred to the President for resolution.".

21 (b) The amendment made by subsection (a) shall apply
22 to determinations of the Secretary of Commerce which are
23 made on or after the date of the enactment of this Act.

1 REIMPOSITION OF EXPORT CONTROLS

2 SEC. 115. (a) Section 6 of this Act, as amended by sec-
3 tions 110, 111, and 113 of this Act, is further amended by
4 adding at the end thereof the following new subsection:

5 "(o) EXTENSION OF CERTAIN CONTROLS.—Those
6 export controls imposed under this section which were in
7 effect on February 28, 1982, and ceased to be effective on
8 March 1, 1982, September 15, 1982, or January 20, 1983
9 (except those controls with respect to the 1980 summer
10 Olympic games), shall become effective on the date of the
11 enactment of this subsection, and shall remain in effect until
12 1 year after such date of enactment. At the end of that 1-
13 year period, any of those controls made effective by this sub-
14 section may be extended by the President in accordance with
15 subsections (b) and (f) of this section.".

16 (b) Section 6(j) of this Act, as redesignated by section
17 110(b)(1) of this Act, is amended by adding at the end thereof
18 the following new sentence: "Any such determination which
19 has been made with respect to a country may not be rescind-
20 ed unless the President first submits to the Congress a report
21 justifying the rescission and certifying that the country con-
22 cerned has not provided support for international terrorism,
23 including support for groups engaged in such terrorism, for
24 the preceding 12-month period.".

1 (c) The amendment made by subsection (b) shall apply
2 with respect to any export control made effective by the
3 amendment made by subsection (a).

4 PETITIONS FOR SHORT SUPPLY CONTROLS

5 SEC. 116. (a) Section 7(c)(1)(A) of the Act (50 U.S.C.
6 App. 2406(c)(1)(A)) is amended to read as follows:

7 "(c) PETITIONS FOR MONITORING OR CONTROLS.—
8 (1)(A) Any entity, including a trade association, firm, or certi-
9 fied or recognized union or group of workers, which is repre-
10 sentative of an industry or a substantial segment of an indus-
11 try which processes metallic materials capable of being recy-
12 cled (i) with respect to which an increase in domestic prices
13 or a domestic shortage, either of which results from increased
14 exports, is or may be a substantial cause of adverse effect on
15 the national economy or any sector thereof or on a domestic
16 industry, and (ii) with respect to which a significant increase
17 in exports is or may be a substantial cause of adverse effect
18 on the national economy or any sector thereof or on a domes-
19 tic industry, may transmit a written petition to the Secretary
20 requesting the monitoring of exports or the imposition of
21 export controls, or both, with respect to such material, in
22 order to carry out the policy set forth in section 3(2)(C) of
23 this Act.".

24 (b) Section 7(c)(1)(B) of the Act is amended—

1 (1) in clause (i) by striking out "and" after
2 "supply,"; and
3 (2) by striking out the period at the end thereof
4 and inserting in lieu thereof ", and (iii) that the criteria
5 set forth in paragraph (3)(A) of this subsection are sat-
6 isfied.".
7 (c) Section 7(c)(1) of the Act is further amended by
8 adding at the end thereof the following:
9 "(C)(i) For purposes of this subsection, the term 'sub-
10 stantial cause' means a cause which is important and not less
11 than any other cause.
12 "(ii) Before March 1, 1984, the Secretary shall issue
13 regulations, in accordance with section 553 of title 5, United
14 States Code, which define the operative terms contained in
15 section 3(2)(C) of this Act and in this subsection, including
16 but not limited to the following: 'excessive drain', 'scarce ma-
17 terials', 'serious inflationary impact of foreign demand', 'do-
18 mestic shortage', 'increase in domestic prices' and 'increase
19 in the domestic price', 'representative of an industry or a
20 substantial segment of an industry', 'domestic industry', 'spe-
21 cific period of time', 'national economy or any sector thereof',
22 'significant increase in exports', and 'adverse effect'.".
23 (d) Section 7(c)(3) of the Act is amended to read as
24 follows:

1 "(3)(A) Within 45 days after the end of the 30-day or
2 45-day period described in paragraph (2), as the case may be,
3 the Secretary shall determine whether to impose monitoring
4 or controls, or both, on the export of the material which is
5 the subject of the petition, in order to carry out the policy set
6 forth in section 3(2)(C) of this Act. In making such determi-
7 nation, the Secretary shall determine whether—

8 "(i) there has been a significant increase, in rela-
9 tion to a specific period of time, in exports of such
10 material;

11 "(ii) there has been a significant increase in the
12 domestic price of such material or a domestic shortage
13 of such material and exports are a substantial cause of
14 such domestic price increase or domestic shortage;

15 "(iii) exports of such material are or may be a
16 substantial cause of adverse effect on the national
17 economy or any sector thereof or on a domestic indus-
18 try; and

19 "(iv) monitoring or controls or both are necessary
20 in order to carry out the policy set forth in section
21 3(2)(C) of this Act.

22 "(B) The Secretary shall publish in the Federal Register
23 a detailed statement of the reasons for the Secretary's deter-
24 mination pursuant to subparagraph (A) of whether to impose

1 monitoring or controls, or both, including the findings of fact
2 in support of that determination.".
3 (e) Section 7(c)(6) of the Act is amended to read as
4 follows:
5 "(6) If a petition with respect to a particular material or
6 group of materials has been considered in accordance with all
7 the procedures prescribed in this subsection, the Secretary
8 shall not consider any other petition with respect to the same
9 material or group of materials which is filed within 6 months
10 after final action on the prior petition has been completed.".
11 (f) Section 7(c) of the Act is further amended—
12 (1) by striking out paragraph (8) and redesignating
13 paragraphs (9) and (10) as paragraphs (8) and (9), re-
14 spectively;
15 (2) by amending paragraph (8), as redesignated by
16 paragraph (1) of this subsection, to read as follows:
17 "(8) The authority under this subsection shall not be
18 construed to affect the authority of the Secretary under any
19 provision of this Act other than this section."; and
20 (3) by adding at the end thereof the following:
21 "(10) Notwithstanding subsection (a) or (b) of this sec-
22 tion, no action in response to an informal or formal request
23 by any entity described in paragraph (1)(A) of this subsection
24 to impose controls on or monitor the export of metallic mate-
25 rials capable of being recycled shall be taken under this sec-

1 tion except pursuant to this subsection. The Secretary, in any
2 other case, may not impose controls on or monitor the export
3 of metallic materials capable of being recycled unless the
4 Secretary makes the determination required by paragraph
5 (3)(A) of this subsection with respect to such controls or mon-
6 itoring and complies with paragraph (3)(B) with respect to
7 that determination.".

8 (g) Section 13(a) of the Act is amended by striking out
9 "section 11(c)(2)" and inserting in lieu thereof "sections
10 7(c)(1)(C)(ii) and 11(c)(2)".

11 DOMESTICALLY PRODUCED CRUDE OIL

12 SEC. 117. Section 7(d) of the Act (50 U.S.C. 2406(d)) is
13 amended by adding at the end thereof the following:

14 "(4) Notwithstanding the provisions of section 20 of this
15 Act, the provisions of this subsection shall expire on Septem-
16 ber 30, 1987.".

17 REFINED PETROLEUM PRODUCTS

18 SEC. 118. Section 7(e)(1) of the Act (50 U.S.C. App.
19 2406(e)(1)) is amended in the first sentence by striking out
20 "No" and inserting in lieu thereof "In any case in which the
21 President determines that it is necessary to impose export
22 controls on refined petroleum products in order to carry out
23 the policy set forth in section 3(2)(C) of this Act, the Presi-
24 dent shall notify the Congress of that determination. The
25 President shall also notify the Congress if and when he deter-

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

4 AGRICULTURAL EXPORTS

5 SEC. 119. (a) Section 7(g)(3) of the Act (50 U.S.C. App.
6 2406(g)(3)) is amended by amending the second sentence to
7 read as follows: "If the Congress, within 60 days after the
8 date of its receipt of such report, does not adopt a joint reso-
9 lution approving such prohibition or curtailment, then such
10 prohibition or curtailment shall cease to be effective at the
11 end of that 60-day period.".

12 (b) The third sentence of section 7(g)(3) of the Act is
13 amended by striking out "30-day" and inserting in lieu there-
14 of "60-day".

15 LICENSING PROCEDURES

16 SEC. 120. (a) Section 10(c) of the Act (50 U.S.C. App.
17 2409(c)) is amended by striking out "90" and inserting in
18 lieu thereof "60".

19 (b) Section 10(f)(2) of the Act is amended—

20 (1) by inserting "in writing" after "inform the ap-
21 plicant"; and

22 (2) by striking out ", and shall accord" and all
23 that follows through the end of the paragraph and in-
24 serting in lieu thereof a period and the following:

1 "Before a final determination with respect to the application
2 is made, the applicant shall be entitled—
3 "(A) to respond in writing to such questions, con-
4 siderations, or recommendations within 30 days after
5 receipt of such information from the Secretary; and
6 "(B) upon the filing of a written request with the
7 Secretary within 15 days after the receipt of such in-
8 formation, to respond in person to the department or
9 agency raising such questions, considerations, or rec-
10 ommendations.".
11 (c) Section 10(f)(3) of the Act is amended—
12 (1) in the first sentence—
13 (A) by inserting "the proposed" before
14 "denial" the first two places it appears; and
15 (B) by striking out "denial" the third place it
16 appears and inserting in lieu thereof "determina-
17 tion to deny the application"; and
18 (2) by inserting after the first sentence the follow-
19 ing new sentence: "The Secretary shall allow the ap-
20 plicant at least 30 days to respond to the Secretary's
21 determination before the license application is denied.".
22 (d) Section 10 of the Act is amended—
23 (1) in the section heading by adding "; other in-
24 quiries" after "applications"; and

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

3 "(k) CHANGES IN REQUIREMENTS FOR APPLICA-
4 TIONS.—Except as provided in subsection (b)(3) of this sec-
5 tion, in any case in which, after a license application is sub-
6 mitted, the Secretary changes the requirements for such a
7 license application, the Secretary may request appropriate
8 additional information of the applicant, but the Secretary may
9 not return the application to the applicant without action be-
10 cause it fails to meet the changed requirements.

11 "(l) OTHER INQUIRIES.—(1) In any case in which the
12 Secretary receives a written request asking for the proper
13 classification of a good or technology on the commodity con-
14 trol list, the Secretary shall, within 10 days after receipt of
15 the request, inform the person making the request of the
16 proper classification.

17 "(2) In any case in which the Secretary receives a writ-
18 ten request for information about the applicability of export
19 license requirements under this Act to a proposed export
20 transaction or series of transactions, the Secretary shall,
21 within 30 days after receipt of the request, reply with that
22 information to the person making the request.".

23 ANNUAL REPORT

24 SEC. 121. Section 14 of the Act (50 U.S.C. App. 2413)
25 is amended—

1 (1) by redesignating paragraphs (11) through (20)
2 as paragraphs (12) through (21), respectively; and
3 (2) by inserting after paragraph (10) the following
4 new paragraph:
5 "(11) the removal of export controls on goods
6 pursuant to section 5(m);".

7 TECHNICAL AMENDMENTS

8 SEC. 122. (a) Section 7(i)(1) of the Act (50 U.S.C. App.
9 2406(i)(1)) is amended in the last sentence by inserting "har-
10 vested from State or Federal lands" after "red cedar logs".
11 (b) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is
12 amended by striking out "Nothing" and inserting in lieu
13 thereof "Except as otherwise provided in this Act, nothing".
14 (c) Section 38(e) of the Arms Export Control Act (22
15 U.S.C. 2778(e)) is amended by striking out "(f)" and insert-
16 ing in lieu thereof "(g)".

17 AUTHORIZATION OF APPROPRIATIONS

18 SEC. 123. (a) Section 18 of the Act (50 U.S.C. App.
19 2417) is amended to read as follows:

20 "AUTHORIZATION OF APPROPRIATIONS

21 "SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGIS-
22 LATION.—(1) Notwithstanding any other provision of law,
23 money appropriated to the Department of Commerce for ex-
24 penses to carry out the purposes of this Act may be obligated
25 or expended only if—

1 "(A) the appropriation thereof has been previously
2 authorized by law enacted on or after the date of the
3 enactment of the Export Administration Amendments
4 Act of 1983; or
5 "(B) the amount of all such obligations and ex-
6 penditures does not exceed an amount previously pre-
7 scribed by law enacted on or after such date.
8 "(2) To the extent that legislation enacted after the
9 making of an appropriation to carry out the purposes of this
10 Act authorizes the obligation or expenditure thereof, the limi-
11 tation contained in paragraph (1) shall have no effect.
12 "(3) The provisions of this subsection shall not be super-
13 seded except by a provision of law enacted after the date of
14 the enactment of the Export Administration Amendments
15 Act of 1983 which specifically repeals, modifies, or super-
16 sedes the provisions of this subsection.
17 "(b) AUTHORIZATION.—There are authorized to be ap-
18 propriated to the Department of Commerce to carry out the
19 purposes of this Act—
20 "(1) $24,600,000 for each of the fiscal years
21 1984 and 1985, of which for each such fiscal year
22 $15,000,000 shall be available only for enforcement,
23 $2,100,000 shall be available only for foreign availabil-
24 ity assessments under subsections (f) and (h)(6) of sec-

1 tion 5 of this Act, and $7,500,000 shall be available
2 for all other activities under this Act; and
3 "(2) such additional amounts for each such fiscal
4 year as may be necessary for increases in salary, pay,
5 retirement, other employee benefits authorized by law,
6 and other nondiscretionary costs.".
7 (b) The amendment made by subsection (a) shall take
8 effect on October 1, 1983.

9 TERMINATION OF AUTHORITY

10 SEC. 124. Section 20 of the Act (50 U.S.C. App. 2419)
11 is amended to read as follows:

12 "TERMINATION DATE

13 "SEC. 20. The authority granted by this Act terminates
14 on September 30, 1985.".

15 HOURS OF OFFICE OF EXPORT ADMINISTRATION

16 SEC. 125. The Secretary shall modify the office hours of
17 the Office of Export Administration of the Department of
18 Commerce on at least four days of each workweek so as to
19 accommodate communications to the Office by exporters
20 throughout the continental United States during the normal
21 business hours of those exporters.

22 TITLE II—EXPORT PROMOTION PROGRAMS

23 REQUIREMENT OF PRIOR AUTHORIZATION

24 SEC. 201. (a) Notwithstanding any other provision of
25 law, money appropriated to the Department of Commerce for

1 expenses to carry out any export promotion program may be
2 obligated or expended only if—
3 (1) the appropriation thereof has been previously
4 authorized by law enacted on or after the date of the
5 enactment of this Act; or
6 (2) the amount of all such obligations and expend-
7 itures does not exceed an amount previously prescribed
8 by law enacted on or after such date.
9 (b) To the extent that legislation enacted after the
10 making of an appropriation to carry out any export promotion
11 program authorizes the obligation or expenditure thereof, the
12 limitation contained in subsection (a) shall have no effect.
13 (c) The provisions of this section shall not be superseded
14 except by a provision of law enacted after the date of the
15 enactment of this Act which specifically repeals, modifies, or
16 supersedes the provisions of this section.
17 (d) For purposes of this title, the term "export pro-
18 motion program" means any activity of the Department of
19 Commerce designed to stimulate or assist United States busi-
20 nesses in marketing their goods and services abroad competi-
21 tively with businesses from other countries, including but not
22 limited to—
23 (1) trade development (except for the trade adjust-
24 ment assistance program) and dissemination of foreign
25 marketing opportunities and other marketing informa-

1 tion to United States producers of goods and services,
2 including the expansion of foreign markets for United
3 States textiles and apparel and any other United States
4 products;

5 (2) the development of regional and multilateral
6 economic policies which enhance United States trade
7 and investment interests, and the provision of market-
8 ing services with respect to foreign countries and
9 regions;

10 (3) the exhibition of United States goods in other
11 countries; and

12 (4) the operations of the United States Commer-
13 cial Service and the Foreign Commercial Service, or
14 any successor agency.

15 AUTHORIZATION OF APPROPRIATIONS

16 SEC. 202. There is authorized to be appropriated for
17 each of the fiscal years 1984 and 1985 to the Department of
18 Commerce to carry out export promotion programs
19 $100,458,000.

20 BARTER ARRANGEMENTS

21 SEC. 203. (a) The President shall, not later than 180
22 days after the date of the enactment of this Act, submit to the
23 Congress a contingency plan for the promotion of exports of
24 agricultural commodities through the bartering of surplus ag-
25 ricultural commodities produced in the United States for pe-

1 troleum and petroleum products, and for other materials vital
2 to the national interest, which are produced abroad, and
3 make recommendations as to the feasibility of implementing
4 such bartering.

5 (b) Notwithstanding any other provision of law, the Presi-
6 dent is authorized—

7 (1) to barter stocks of agricultural commodities ac-
8 quired by the Government for petroleum and petroleum
9 products, and for other materials vital to the national
10 interest, which are produced abroad, in situations in
11 which sales would otherwise not occur; and

12 (2) to purchase petroleum and petroleum products,
13 and other materials vital to the national interest, which
14 are produced abroad and acquired by persons in the
15 United States through barter for agricultural commod-
16 ities produced in and exported from the United States
17 through normal commercial trade channels.

18 (c) The President shall take steps to insure that any
19 barters described in subsections (a) and (b)(1) and any pur-
20 chases authorized by subsection (b)(2) safeguard existing
21 export markets for agricultural commodities operating on
22 conventional business terms from displacement by barters de-
23 scribed in subsections (a), (b)(1), and (b)(2).

1 TITLE III—SOUTH AFRICA

2 SHORT TITLE

3 SEC. 301. This title may be cited as the "United States
4 Policy Toward South Africa Act of 1983".

5 Subtitle 1—Labor Standards

6 ENDORSEMENT AND IMPLEMENTATION OF FAIR
7 EMPLOYMENT PRINCIPLES

8 SEC. 311. Any United States person who—
9 (A) has a branch or office in South Africa, or
10 (B) controls a corporation, partnership, or other
11 enterprise in South Africa,
12 in which more than 20 people are employed shall take the
13 necessary steps to insure that, in operating such branch,
14 office, corporation, partnership, or enterprise, those principles
15 relating to employment practices set forth in section 312 of
16 this Act are implemented.

17 STATEMENT OF PRINCIPLES

18 SEC. 312. (a) The principles referred to in section 311
19 of this Act are as follows:
20 (1) Desegregating the races in each employment
21 facility, including—
22 (A) removing all race designation signs;
23 (B) desegregating all eating, rest, and work
24 facilities; and

1 (C) terminating all regulations which are
2 based on racial discrimination.
3 (2) Providing equal employment for all employees,
4 including—
5 (A) assuring that any health, accident, or
6 death benefit plans that are established are non-
7 discriminatory and open to all employees, whether
8 they are paid a salary or are compensated on an
9 hourly basis; and
10 (B) implementing equal and nondiscrimina-
11 tory terms and conditions of employment for all
12 employees, and abolishing job reservations, job
13 fragmentation, apprenticeship restrictions for
14 blacks and other nonwhites, and differential em-
15 ployment criteria, which discriminate on the basis
16 of race or ethnic origin.
17 (3) Establishing equal pay for all employees doing
18 equal or comparable work, including—
19 (A) establishing and implementing, as soon
20 as possible, a wage and salary structure which is
21 applied equally to all employees, regardless of
22 race, who are engaged in equal or comparable
23 work;
24 (B) reviewing the distinction between hourly
25 and salaried job classifications, and establishing

1 and implementing an equitable and unified system
2 of job classifications which takes into account such
3 review; and
4 (C) eliminating inequities in seniority and in-
5 grade benefits so that all employees, regardless of
6 race, who perform similar jobs are eligible for the
7 same seniority and in-grade benefits.
8 (4) Establishing a minimum wage and salary
9 structure based on a cost-of-living index which takes
10 into account the needs of employees and their families.
11 (5) Increasing, by appropriate means, the number
12 of blacks and other nonwhites in managerial, supervi-
13 sory, administrative, clerical, and technical jobs for the
14 purpose of significantly increasing the representation of
15 blacks and other nonwhites in such jobs, including—
16 (A) developing training programs that will
17 prepare substantial numbers of blacks and other
18 nonwhites for such jobs as soon as possible, in-
19 cluding—
20 (i) expanding existing programs and
21 forming new programs to train, upgrade, and
22 improve the skills of all categories of em-
23 ployees, and
24 (ii) creating on-the-job training pro-
25 grams and facilities to assist employees to

1 advance to higher paying jobs requiring
2 greater skills;
3 (B) establishing procedures to assess, identi-
4 fy, and actively recruit employees with potential
5 for further advancement;
6 (C) identifying blacks and other nonwhites
7 with high management potential and enrolling
8 them in accelerated management programs;
9 (D) establishing and expanding programs to
10 enable employees to further their education and
11 skills at recognized education facilities; and
12 (E) establishing timetables to carry out this
13 paragraph.
14 (6) Taking reasonable steps to improve the quality
15 of employees' lives outside the work environment with
16 respect to housing, transportation, schooling, recrea-
17 tion, and health, including—
18 (A) providing assistance to black and other
19 nonwhite employees for housing, health care,
20 transportation, and recreation either through the
21 provision of facilities or services or providing fi-
22 nancial assistance to employees for such purposes,
23 including the expansion or creation of in-house
24 medical facilities or other medical programs to im-

1 prove medical care for black and other nonwhite
2 employees and their dependents; and
3 (B) participating in the development of pro-
4 grams that address the education needs of em-
5 ployees, their dependents, and the local communi-
6 ty.
7 (7) Recognizing labor unions and implementing
8 fair labor practices, including—
9 (A) recognizing the right of all employees,
10 regardless of racial or other distinctions, to self-
11 organization and to form, join, or assist labor or-
12 ganizations, freely and without penalty or reprisal,
13 and recognizing the right to refrain from any such
14 activity;
15 (B) refraining from—
16 (i) interfering with, restraining, or co-
17 ercing employees in the exercise of their
18 rights of self-organization under this para-
19 graph,
20 (ii) dominating or interfering with the
21 formation or administration of any labor or-
22 ganization, or sponsoring, controlling, or con-
23 tributing financial or other assistance to it,
24 (iii) encouraging or discouraging mem-
25 bership in any labor organization by discrimi-

1 nation in regard to hiring, tenure, promotion,
2 or other condition of employment,
3 (iv) discharging or otherwise disciplining
4 or discriminating against any employee who
5 has exercised any rights of self-organization
6 under this paragraph, and
7 (v) refusing to bargain collectively with
8 any organization freely chosen by employees
9 under this paragraph;
10 (C) allowing employees to exercise rights of
11 self-organization, including solicitation of fellow
12 employees during nonworking hours, allowing dis-
13 tribution and posting of union literature by em-
14 ployees during nonworking hours in nonworking
15 areas, and allowing reasonable access to labor or-
16 ganization representatives to communicate with
17 employees on employer premises at reasonable
18 times;
19 (D) allowing employee representatives to
20 meet with employer representatives during work-
21 ing hours without loss of pay for purposes of col-
22 lective bargaining, negotiation of agreements, and
23 representation of employee grievances;
24 (E) regularly informing employees that it is
25 company policy to consult and bargain collectively

1 with organizations which are freely elected by the
2 employees to represent them; and
3 (F) utilizing impartial persons mutually
4 agreed upon by employer and employee repre-
5 sentatives to resolve disputes concerning election
6 of representatives, negotiation of agreements or
7 grievances arising thereunder, or any other mat-
8 ters arising under this paragraph.
9 (b) The Secretary may issue guidelines and criteria to
10 assist persons who are or may be subject to this subtitle in
11 complying with the principles set forth in subsection (a) of
12 this section. The Secretary may, upon request, give an advi-
13 sory opinion to any person who is or may be subject to this
14 subtitle as to whether that person is subject to this subtitle or
15 would be considered to be in compliance with the principles
16 set forth in subsection (a).
17 ADVISORY COUNCILS
18 SEC. 313. (a) The Secretary shall establish in South
19 Africa an Advisory Council (1) to advise the Secretary with
20 respect to the implementation of those principles set forth in
21 section 312(a), and (2) to review periodically the reports sub-
22 mitted pursuant to section 314(a) and, where necessary, to
23 supplement the information contained in such reports. The
24 Advisory Council shall be composed of ten members appoint-
25 ed by the Secretary from among persons representing trade

1 unions committed to nondiscriminatory policies, the United
2 States Chamber of Commerce in South Africa, and the South
3 African academic community, and from among South African
4 community and church leaders who have demonstrated a con-
5 cern for equal rights. In addition to the ten appointed mem-
6 bers of the Advisory Council, the United States Ambassador
7 to South Africa shall be a member of the Advisory Council,
8 ex officio.

9 (b) The Secretary shall establish in the United States an
10 American Advisory Council to make policy recommendations
11 with respect to the labor practices of United States persons
12 in South Africa and to review periodically the progress of
13 such persons in carrying out the provisions of section 311 of
14 this Act. The American Advisory Council shall be composed
15 of 11 members appointed by the Secretary from among quali-
16 fied persons, including officers and employees of the Depart-
17 ment of State, the Department of Commerce, the Depart-
18 ment of Labor, and the Equal Employment Opportunity
19 Commission, and representatives of labor, business, civil
20 rights, and religious organizations. The Secretary shall pub-
21 lish in the Federal Register any recommendations made by
22 the American Advisory Council under this subsection.

23 (c) Members of the Advisory Council in South Africa
24 and of the American Advisory Council shall be appointed for
25 3-year terms, except that of the members first appointed,

1 three on each Council shall be appointed for terms of two
2 years, and three on each Council shall be appointed for terms
3 of one year, as designated at the time of their appointment.
4 Any member appointed to fill a vacancy occurring before the
5 expiration of the term for which the predecessor of such
6 member was appointed shall be appointed only for the re-
7 mainder of such term.

8 (d) the United States Ambassador to South Africa shall
9 provide to the Advisory Council in South Africa the neces-
10 sary clerical and administrative assistance. The Secretary
11 shall provide such assistance to the American Advisory
12 Council.

13 (e) Members of the Advisory Council in South Africa
14 and of the American Advisory Council shall serve without
15 pay, except that, while away from their homes or regular
16 places of business in the performance of services for the re-
17 spective Councils, members of the Advisory Councils shall be
18 allowed travel expenses, including per diem in lieu of subsist-
19 ence, in the same manner as persons employed intermittently
20 in the Government service are allowed expenses under sec-
21 tion 5703 of title 5, United States Code.

22 ENFORCEMENT; SANCTIONS

23 SEC. 314. (a) Each United States person referred to in
24 section 311 of this Act shall submit to the Secretary (1) a
25 detailed and fully documented annual report on the progress

1 of that person in complying with the provisions of this subti-
2 tle, and (2) such other information as the Secretary deter-
3 mines is necessary.

4 (b) In order to insure compliance with this subtitle and
5 any regulations issued to carry out this subtitle, the Secre-
6 tary—

7 (1) shall establish mechanisms to monitor such
8 compliance, including on-site monitoring with respect
9 to each United States person referred to in section 311
10 of this Act at least once in every 2-year period;

11 (2) shall make reasonable efforts within a reason-
12 able period of time to secure such compliance by
13 means of conference, conciliation, mediation, and per-
14 suasion;

15 (3) shall, in any case in which the Secretary has
16 reason to believe that any person has furnished the
17 Secretary with false information relating to the provi-
18 sions of this subtitle, recommend to the Attorney Gen-
19 eral that criminal proceedings be brought against such
20 person; and

21 (4) may conduct investigations, hold hearings, ad-
22 minister oaths, examine witnesses, receive evidence,
23 take depositions, and require by subpena the attend-
24 ance and testimony of witnesses and production of all

1 books, papers, and documents relating to any matter
2 under investigation.
3 (c) The Secretary shall, within 90 days after giving
4 notice and an opportunity for a hearing to each United States
5 person referred to in section 311 of this Act, make a determi-
6 nation with respect to the compliance of that United States
7 person with the provisions of this subtitle and any regulations
8 issued to carry out this subtitle.
9 (d)(1) Any United States person with respect to whom
10 the Secretary makes a determination under subsection (c) or
11 (f) of this section either that the person is not in compliance
12 with this subtitle or any regulations issued to carry out this
13 subtitle, or that the compliance of the person with this subti-
14 tle or those regulations cannot be established on account of a
15 failure to provide information to the Secretary or on account
16 of the provision of false information to the Secretary, may
17 not—
18 (A) export any goods or technology directly or in-
19 directly to South Africa; or
20 (B) use the services of the Export-Import Bank of
21 the United States.
22 (2)(A) In addition to the penalties set forth in paragraph
23 (1), the Secretary may impose upon any United States person
24 subject to those penalties—

1 (i) if other than an individual, a fine of not more
2 than $1,000,000, or
3 (ii) if an individual, a fine of not more than
4 $50,000.
5 (B)(i) Any officer, director, or employee of a United
6 States person subject to the penalties set forth in subpara-
7 graph (A), or any individual in control of that United States
8 person, who knowingly and willfully ordered, authorized, ac-
9 quiesced in, or carried out the act or practice constituting the
10 violation involved and (ii) any agent of such United States
11 person who knowingly and willfully carried out such act or
12 practice, shall be subject to a fine, imposed by the Secretary,
13 of not more than $10,000.
14 (C) A fine imposed under subparagraph (B) may not be
15 paid, directly or indirectly, by the United States person com-
16 mitting the violation involved.
17 (D) The payment of any fine imposed under this para-
18 graph shall be deposited in the miscellaneous receipts of the
19 Treasury. In the event of the failure of any person to pay a
20 fine imposed under this paragraph, the fine may be recovered
21 in a civil action in the name of the United States brought by
22 the Secretary in an appropriate United States district court.
23 (3) Any United States person who violates the provi-
24 sions of paragraph (1)(A) of this subsection shall, in addition
25 to any other penalty specified in this subtitle, be fined, for

1 each such violation, not more than five times the value of the
2 exports involved or $50,000, whichever is greater, or impris-
3 oned not more than five years, or both. For purposes of para-
4 graph (1)(A) of this subsection, "goods" and "technology"
5 have the same meanings as are given those terms in para-
6 graphs (3) and (4) of section 16 of the Export Administration
7 Act of 1979 (50 U.S.C. App. 2415).

8 (e) The Secretary shall issue an order carrying out any
9 penalty imposed under paragraph (1) or (2) of subsection (d).

10 (f)(1) The Secretary shall, at least once in every 2-year
11 period, review and, in accordance with subsection (c), make a
12 redetermination with respect to the compliance of each
13 United States person referred to in section 311 of this Act
14 with the provisions of this subtitle and any regulations issued
15 to carry out this subtitle.

16 (2) In the case of any United States person with respect
17 to whom the Secretary makes a determination under subsec-
18 tion (c) or paragraph (1) of this subsection either that the
19 person is not in compliance with this subtitle or any regula-
20 tions issued to carry out this subtitle, or that the compliance
21 of the person with this subtitle or those regulations cannot be
22 established on account of a failure to provide information to
23 the Secretary or on account of the provision of false informa-
24 tion to the Secretary, the Secretary shall, upon the request of
25 that person and after giving that person an opportunity for a

1 hearing, review and redetermine that person's compliance
2 within 60 days after that person files the first annual report
3 pursuant to subsection (a) of this section after the negative
4 determination is made.

5 (g) Any United States person aggrieved by a determina-
6 tion of the Secretary under subsection (c) or (f) of this section
7 may seek judicial review of that determination in accordance
8 with the provisions of chapter 7 of title 5, United States
9 Code.

10 (h) The Secretary shall submit an annual report to the
11 Congress on the compliance of those United States persons
12 referred to in section 311 of this Act with the provisions of
13 this subtitle.

14 REGULATIONS

15 SEC. 315. (a) The Secretary shall, after consulting with
16 the Advisory Councils established pursuant to section 313 of
17 this Act, issue such regulations as are necessary to carry out
18 this subtitle. Such regulations shall be issued not later than
19 180 days after the date of the enactment of this Act. The
20 Secretary shall establish dates by which United States per-
21 sons must comply with the different provisions of this subti-
22 tle, except that the date for compliance with all the provi-
23 sions of this subtitle shall not be later than one year after the
24 date of the enactment of this Act.

1 (b) Before issuing final regulations pursuant to subsec-
2 tion (a), the Secretary shall publish in the Federal Register
3 the regulations proposed to be issued and shall give interest-
4 ed persons at least 30 days to submit comments on the pro-
5 posed regulations. The Secretary shall, in issuing the final
6 regulations, take into account the comments so submitted.

7 WAIVER OR TERMINATION OF PROVISIONS

8 SEC. 316. (a) In any case in which the President deter-
9 mines that compliance by a United States person with the
10 provisions of this subtitle would harm the national security of
11 the United States, the President may waive those provisions
12 with respect to that United States person. The President
13 shall publish in the Federal Register each waiver granted
14 under this subsection and shall submit to the Congress each
15 such waiver and the justification for granting the waiver.
16 Any such waiver shall become effective at the end of 30 days
17 after the date on which the waiver is submitted to the Con-
18 gress unless the Congress, within that 30-day period, adopts
19 a concurrent resolution disapproving the waiver. In the com-
20 putation of such 30-day period, there shall be excluded the
21 days on which either House of Congress is not in session
22 because of an adjournment of more than three days to a day
23 certain or because of an adjournment of the Congress sine
24 die.

1 (b) Upon a written determination by the President that
2 the Government of South Africa has terminated its practice
3 of systematic racial discrimination and allows all the people
4 of South Africa, regardless of race or ethnic origin, to partici-
5 pate fully in the social, political, and economic life in that
6 country, the provisions of this subtitle and any regulations
7 issued to carry out this subtitle shall cease to be effective.

8 Subtitle 2—Prohibition on Loans and Importation of Gold
9 Coins

10 LOANS TO SOUTH AFRICA

11 SEC. 321. (a) No bank operating under the laws of the
12 United States may make any loan directly or through a for-
13 eign subsidiary to the South African Government or to any
14 corporation, partnership, or other organization which is
15 owned or controlled by the South African Government, as
16 determined under regulations issued by the Secretary. The
17 prohibition contained in this subsection shall not apply to
18 loans for educational, housing, or health facilities which are
19 available to all persons on a totally nondiscriminatory basis
20 and which are located in geographic areas accessible to all
21 population groups without any legal or administrative restric-
22 tion.

23 (b) The prohibition contained in subsection (a) of this
24 section shall not apply to any loan or extension of credit for

1 which an agreement is entered into before the date of the
2 enactment of this Act.

3 GOLD COINS

4 SEC. 322. No person, including any bank operating
5 under the laws of the United States, may import into the
6 United States any South African krugerand or any other gold
7 coin minted in South Africa or offered for sale by the South
8 African Government.

9 ENFORCEMENT; PENALTIES

10 SEC. 323. (a) The Secretary, in consultation with the
11 Secretary of the Treasury and the Secretary of Commerce,
12 shall take the necessary steps to insure compliance with the
13 provisions of this subtitle, including—

14 (1) issuing such regulations as the Secretary con-
15 siders necessary to carry out this subtitle;

16 (2) establishing mechanisms to monitor compliance
17 with the provisions of this subtitle and any regulations
18 issued pursuant to paragraph (1) of this subsection;

19 (3) in any case in which the Secretary has reason
20 to believe that a violation of subsection (a) has oc-
21 curred or is about to occur, referring the matter to the
22 Attorney General for appropriate action; and

23 (4) in any case in which the Secretary has reason
24 to believe that any person has furnished the Secretary
25 with false information relating to the provisions of this

1 subtitle, referring the matter to the Attorney General
2 for appropriate action.
3 (b)(1) Any person, other than an individual, that violates
4 section 321 or 322 of this Act shall be fined not more than
5 $1,000,000.
6 (2) Any individual who violates section 321 of this Act
7 shall be fined not more than $50,000, or imprisoned not more
8 than five years, or both.
9 (3) Any individual who violates section 322 of this Act
10 shall be fined not more than five times the value of the kru-
11 gerrands or gold coins involved.
12 (c)(1) Whenever a person violates section 321 or 322 of
13 this Act—
14 (A) any officer, director, or employee of such
15 person, or any natural person in control of such person,
16 who knowingly and willfully ordered, authorized, ac-
17 quiesced in, or carried out the act or practice constitut-
18 ing the violation, and
19 (B) any agent of such person who knowingly and
20 willfully carried out such act or practice,
21 shall, upon conviction, be fined not more than $10,000, or
22 imprisoned not more than five years, or both.
23 (2) A fine imposed under paragraph (1) on an individual
24 for an act or practice constituting a violation may not be

1 paid, directly or indirectly, by the person committing the vio-
2 lation itself.

3 WAIVER BY PRESIDENT

4 SEC. 324. The President may waive the prohibitions
5 contained in sections 321 and 322 of this Act for periods of
6 not more than one year each if the President determines that
7 the Government of South Africa has made substantial prog-
8 ress toward the full participation of all the people of South
9 Africa in the social, political, and economic life in that coun-
10 try and toward an end to discrimination based on race or
11 ethnic origin. The President shall submit any such determina-
12 tion, and the basis therefor, to the Congress. Each such
13 waiver shall take effect at the end of 30 days after the date
14 on which that determination is submitted to the Congress
15 unless the Congress, within that 30-day period, adopts a con-
16 current resolution disapproving that determination. In the
17 computation of such 30-day period, there shall be excluded
18 the days on which either House of Congress is not in session
19 because of an adjournment of more than three days to a day
20 certain or because of an adjournment of the Congress sine
21 die.

22 Subtitle 3—General Provisions

23 COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

24 SEC. 331. (a) Each department and agency of the
25 United States shall cooperate with the Secretary in carrying

1 out the provisions of this title, including, upon the request of
2 the Secretary, taking steps to insure compliance with the
3 provisions of this title and any regulations issued to carry out
4 this title.

5 (b) The Secretary may secure directly from any depart-
6 ment or agency of the United States information necessary to
7 enable the Secretary to carry out the Secretary's functions
8 under this title.

9 DEFINITIONS

10 SEC. 332. For purposes of this title—

11 (1) the term "United States person" means any
12 United States resident or national and any domestic
13 concern (including any permanent domestic establish-
14 ment of any foreign concern);

15 (2) the term "Secretary" means the Secretary of
16 State;

17 (3) the term "South Africa" includes the Republic
18 of South Africa; any territory under the administration,
19 legal or illegal, of South Africa; and the "bantustans"
20 or "homelands", to which South African blacks are as-
21 signed on the basis of ethnic origin, including the
22 Transkei, Bophuthatswana, and Venda; and

23 (4) a United States person shall be presumed to
24 control a corporation, partnership, or other enterprise
25 in South Africa if—

1 (A) the United States person beneficially
2 owns or controls (whether directly or indirectly)
3 more than 50 percent of the outstanding voting
4 securities of the corporation, partnership, or enter-
5 prise;
6 (B) the United States person beneficially
7 owns or controls (whether directly or indirectly)
8 25 percent or more of the voting securities of the
9 corporation, partnership, or enterprise, if no other
10 person owns or controls (whether directly or indi-
11 rectly) an equal or larger percentage;
12 (C) the corporation, partnership, or enter-
13 prise is operated by the United States person pur-
14 suant to the provisions of an exclusive manage-
15 ment contract;
16 (D) a majority of the members of the board
17 of directors of the corporation, partnership, or en-
18 terprise are also members of the comparable gov-
19 erning body of the United States person;
20 (E) the United States person has authority to
21 appoint a majority of the members of the board of
22 directors of the corporation, partnership, or enter-
23 prise; or

1 (F) the United States person has authority to
2 appoint the chief operating officer of the corpora-
3 tion, partnership, or enterprise.

4 APPLICABILITY TO EVASIONS OF TITLE

5 SEC. 333. (a) Subtitle 1 of this title shall apply to any
6 United States person who undertakes or causes to be under-
7 taken any transaction or activity with the intent to evade the
8 provisions of subtitle 1 of this title or any regulations issued
9 to carry out that subtitle.

10 (b) Subtitle 2 of this title shall apply to any bank operat-
11 ing under the laws of the United States, or to any other
12 person, who or which undertakes or causes to be undertaken
13 any transaction or activity with the intent to evade the provi-
14 sions of subtitle 2 of this title or any regulations issued to
15 carry out that subtitle.

16 CONSTRUCTION OF TITLE; SEVERABILITY

17 SEC. 334. (a) Nothing in this title shall be construed as
18 constituting any recognition by the United States of the
19 homelands referred to in section 332(3) of this Act.

20 (b) If any provision of this title or the application of this
21 title to any person or circumstance is held invalid, neither the
22 remainder of this title nor the application of that provision to
23 other persons or circumstances shall be affected thereby.

O