

110TH CONGRESS
1ST SESSION

S. 2000

To amend and extend the Export Administration Act of 1979 and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mr. DODD (by request) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend and extend 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Export Enforcement
5 Act of 2007”.

6 **SEC. 2. NATIONAL SECURITY CONTROLS.**

7 Section 5(f)(6) of the Export Administration Act of
8 1979 (50 U.S.C. App. 2404(f)(6)) is amended by striking
9 “Under Secretary of Commerce for Export Administra-

1 tion” and inserting “Under Secretary of Commerce for In-
2 dustry and Security”.

3 **SEC. 3. VIOLATIONS.**

4 Section 11 of the Export Administration Act of 1979
5 (50 U.S.C. App. 2410) is amended—

6 (1) by striking subsections (a) and (b) and in-
7 serting the following:

8 “(a) CRIMINAL PENALTIES.—

9 “(1) VIOLATIONS BY AN INDIVIDUAL.—Any in-
10 dividual who willfully violates, conspires to violate, or
11 attempts to violate any provision of this Act or any
12 regulation, license, or order issued under this Act
13 shall be fined up to \$1,000,000, imprisoned for not
14 more than 10 years, or both, for each such violation.

15 “(2) VIOLATIONS BY A PERSON OTHER THAN
16 AN INDIVIDUAL.—Any person, other than an indi-
17 vidual, who willfully violates, conspires to violate, or
18 attempts to violate any provision of this Act or any
19 regulation, license, or order issued under this Act
20 shall be fined for each such violation an amount
21 equal to the greater of—

22 “(A) up to 10 times the value of the ex-
23 ports involved; or

24 “(B) \$5,000,000.

1 “(b) FORFEITURE OF PROPERTY INTEREST AND
2 PROCEEDS.—

3 “(1) CRIMINAL FORFEITURE.—Any person who
4 is convicted of a violation under paragraph (1) or
5 (2) of subsection (a) shall, in addition to any pen-
6 alty, forfeit to the United States such person’s—

7 “(A) security or other interest in, claim
8 against, or property or contractual rights of any
9 kind in, the real or personal property that was
10 the subject of the violation;

11 “(B) interest in any property, real or per-
12 sonal, constituting or traceable to gross profits
13 or other proceeds obtained from such violation;
14 and

15 “(C) interest in any property, real or per-
16 sonal, used or intended to be used to commit or
17 to promote the commission of such violation.

18 “(2) CIVIL FORFEITURE.—Any property subject
19 to forfeiture pursuant to paragraph (1) may be for-
20 feited to the United States in a civil case in accord-
21 ance with the procedures set forth in section 981 of
22 title 18, United States Code.”;

23 (2) in subsection (c), by striking paragraph (1)
24 and inserting the following:

1 “(1) CIVIL PENALTY.—The Secretary may im-
2 pose a civil penalty of up to \$500,000 for each viola-
3 tion of a provision of this Act or any regulation, li-
4 cense, or order issued under this Act. A civil penalty
5 under this paragraph may be in addition to, or in
6 lieu of, any other liability or penalty which may be
7 imposed for such a violation.”;

8 (3) by striking subsections (g) and (h) and in-
9 serting the following:

10 “(g) VIOLATIONS DEFINED BY REGULATION.—Noth-
11 ing in this section shall limit the authority of the Secretary
12 to define by regulation violations under this Act.

13 “(h) EFFECT OF OTHER CONVICTIONS.—

14 “(1) DENIAL OF EXPORT PRIVILEGES.—Any
15 person convicted of a violation described in para-
16 graph (2) may, at the discretion of the Secretary, be
17 denied export privileges under this Act for a period
18 not to exceed 25 years from the date of the convic-
19 tion. The Secretary may also revoke any export li-
20 cense under this Act in which such person had an
21 interest at the time of the conviction.

22 “(2) VIOLATIONS.—The violations referred to in
23 paragraph (1) are a violation of—

24 “(A) a provision of this Act;

1 “(B) a provision of the International
2 Emergency Economic Powers Act (50 U.S.C.
3 1701 et seq.);

4 “(C) section 793, 794, or 798 of title 18,
5 United States Code;

6 “(D) section 4(b) of the Internal Security
7 Act of 1950 (50 U.S.C. 783(b));

8 “(E) section 38 of the Arms Export Con-
9 trol Act (22 U.S.C. 2778);

10 “(F) section 16 of the Trading with the
11 Enemy Act (50 U.S.C. App. 16);

12 “(G) any regulation, license, or order
13 issued under any provision of law listed in sub-
14 paragraph (A), (B), (C), (D), (E), or (F);

15 “(H) section 371 or 1001 of title 18,
16 United States Code, if in connection with the
17 export or attempted export of items subject to
18 this Act or any regulation, license, or order
19 issued under the International Emergency Eco-
20 nomic Powers Act, the Arms Export Control
21 Act, or the Trading with the Enemy Act;

22 “(I) section 175 of title 18, United States
23 Code;

24 “(J) a provision of the Atomic Energy Act
25 of 1954 (42 U.S.C. 201 et seq.);

1 “(K) section 831 of title 18, United States
2 Code;

3 “(L) sections 2332a, 2332b, 2332d,
4 2332g, and 2332h of title 18, United States
5 Code;

6 “(M) section 1956 of title 18, United
7 States Code, if in conjunction with any export
8 or attempted export in violation of this Act, or
9 any regulation, rule, order, or license issued
10 under the International Emergency Economic
11 Powers Act, the Arms Export Control Act, or
12 the Trading with the Enemy Act;

13 “(N) sections 2339A, 2339B, and 2339C
14 of title 18, United States Code;

15 “(O) section 554 of title 18, United States
16 Code, (relating to smuggling goods from the
17 United States) as added by section 331(a) of
18 Public Law 109–177; or

19 “(P) section 554 of title 18, United States
20 Code, (relating to border tunnels and passages)
21 as added by section 551 of Public Law 109–
22 295.

23 “(3) RELATED PERSONS.—The Secretary may
24 exercise the authority under paragraph (1) with re-
25 spect to any person related through affiliation, own-

1 ership, control, or position of responsibility to a per-
2 son convicted of any violation of a law set forth in
3 paragraph (2), upon a finding that such relationship
4 exists with the convicted person. The Secretary shall
5 make such finding only after providing notice and
6 opportunity for a hearing.”; and

7 (4) by adding at the end the following new sub-
8 section:

9 “(j) STATUTE OF LIMITATIONS.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), a proceeding in which a civil penalty or
12 other administrative sanction is sought under sub-
13 section (c) may not be commenced more than 5
14 years after the date on which the violation was com-
15 mitted.

16 “(2) EXCEPTION.—

17 “(A) TOLLING.—In any case in which a
18 criminal indictment or information in connec-
19 tion with actions constituting a violation under
20 subsection (a) is returned or filed within the
21 time limit prescribed by law for the institution
22 of such indictment or information (as the case
23 may be), the limitation under paragraph (1) for
24 commencing a proceeding to impose a civil pen-
25 alty or other administrative sanction under this

1 section shall, upon the return of the criminal
2 indictment or the filing of the criminal informa-
3 tion, be tolled against any person named as a
4 defendant.

5 “(B) DURATION.—The tolling of the limi-
6 tation with respect to a person under subpara-
7 graph (A) shall be for a period of 6 months be-
8 ginning on the date of whichever of the fol-
9 lowing events occurs last:

10 “(i) The date the person is convicted
11 pursuant to the criminal indictment or
12 criminal information.

13 “(ii) The date the indictment or the
14 information against the person is dis-
15 missed.

16 “(iii) The date the criminal action
17 against the person is otherwise con-
18 cluded.”.

19 **SEC. 4. ENFORCEMENT.**

20 Section 12 of the Export Administration Act of 1979
21 (50 U.S.C. App. 2411) is amended—

22 (1) in subsection (a), by striking paragraphs
23 (1), (2), (3), and (4) and inserting the following:

24 “(1) IN GENERAL.—To the extent necessary or
25 appropriate for the enforcement of this Act or for

1 the imposition of any penalty, forfeiture, or liability
2 arising under this Act—

3 “(A) the head of any department or agency
4 exercising any function under this Act (and of-
5 ficers or employees of such department or agen-
6 cy specifically designated by the head thereof)
7 may conduct investigations within the United
8 States;

9 “(B) the Secretary of Homeland Security
10 (and officers or employees of the United States
11 Immigration and Customs Enforcement specifi-
12 cally designated by the Secretary of Homeland
13 Security) and the Secretary of Commerce (and
14 officers and employees of the Office of Export
15 Enforcement of the Department of Commerce
16 specifically designated by the Secretary of Com-
17 merce) may conduct investigations outside of
18 the United States;

19 “(C) the head of any department or agency
20 exercising any function under this Act (and the
21 officers or employees of such department or
22 agency) may obtain information from, require
23 reports or the keeping of records by, inspect the
24 books, records, and other writings, premises, or

1 property of, and take the sworn testimony of,
2 any person;

3 “(D)(i) the officers or employees of such
4 department or agency may administer oaths or
5 affirmations, and may by subpoena require any
6 person to appear and testify or to appear and
7 produce books, records, and other writings, or
8 both; and

9 “(ii) in the case of contumacy by, or re-
10 fusal to obey a subpoena issued to, any such
11 person, a district court of the United States,
12 after notice to any such person and hearing,
13 shall have jurisdiction to issue an order requir-
14 ing such person to appear and give testimony or
15 to appear and produce books, records, and
16 other writings, or both, and any failure to obey
17 such order of the court may be punished by
18 such court as a contempt thereof; and

19 “(E) the Secretary of Commerce (and offi-
20 cers or employees of the Department of Com-
21 merce designated by the Secretary) may con-
22 duct, outside the United States, pre-license in-
23 vestigations and post-shipment verifications of
24 items licensed for export.

1 “(2) AUTHORITY OF IMMIGRATION AND CUS-
2 TOMS ENFORCEMENT AND CUSTOMS AND BORDER
3 PROTECTION.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the U.S. Immigration and Customs
6 Enforcement and the U.S. Customs and Border
7 Protection are authorized, in the enforcement of
8 this Act—

9 “(i) to search, detain (after search),
10 and seize goods or technology at those
11 places outside the United States where
12 such entities are authorized, pursuant to
13 agreements or other arrangements with
14 other countries, to perform enforcement
15 activities; and

16 “(ii) to conduct such activities at
17 those ports of entry or exit from the
18 United States where officers of the U.S.
19 Immigration and Customs Enforcement
20 and the U.S. Customs and Border Protec-
21 tion are authorized by law to conduct such
22 activities.

23 “(B) SEARCHES AND SEIZURES.—An offi-
24 cer of the U.S. Immigration and Customs En-
25 forcement or the U.S. Customs and Border

1 Protection may conduct the following activities
2 in carrying out enforcement authority under
3 this Act:

4 “(i) Stop, search, and examine a vehi-
5 cle, vessel, aircraft, person, package, or
6 container.

7 “(ii) Detain (after search) or seize
8 and secure for trial any goods or tech-
9 nology on or about such vehicle, vessel, air-
10 craft, or person, or in such package or con-
11 tainer.

12 “(iii) Make arrests without warrant
13 for any violation of this Act committed in
14 the presence or view of the officer or if the
15 officer has probable cause to believe that
16 the person to be arrested has committed or
17 is committing such a violation.

18 “(C) ARREST AUTHORITY.—The arrest au-
19 thority conferred by subparagraph (B)(iii) is in
20 addition to any arrest authority under any
21 other provision of law.

22 “(D) DETENTION OF GOODS.—The U.S.
23 Immigration and Customs Enforcement and the
24 U.S. Customs and Border Protection may not
25 detain for more than 45 days any shipment of

1 goods or technology that may be exported with-
2 out a license issued by the Department of Com-
3 merce. In any case in which the goods are de-
4 tained as the result of a disagreement between
5 the Secretary, and the head of any other de-
6 partment or agency with export licensing au-
7 thority under any other provision of law, re-
8 garding issuance of an export license for the
9 goods or technology, the disagreement shall be
10 resolved within that 45-day period. At the end
11 of that 45-day period, the U.S. Immigration
12 and Customs Enforcement and the U.S. Cus-
13 toms and Border Protection (as the case may
14 be) shall either release the goods or technology,
15 or seize the goods or technology as authorized
16 by law.

17 “(3) ENFORCEMENT.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B)—

20 “(i) the Secretary shall have the re-
21 sponsibility for the enforcement of section
22 8;

23 “(ii) in the enforcement of any other
24 provision of this Act, the Secretary is au-

1 thorized to search, detain (after search),
2 and seize goods or technology—

3 “(I) at places within the United
4 States other than the ports specified
5 in paragraph (2)(A); and

6 “(II) at places outside the United
7 States where the Office of Export En-
8 forcement of the Department of Com-
9 merce, pursuant to agreements or
10 other arrangements with other coun-
11 tries, is authorized to perform en-
12 forcement activities;

13 “(iii) the search, detention (after
14 search), or seizure of goods or technology
15 at ports and places specified in paragraph
16 (2)(A) may be conducted by officers or em-
17 ployees of the Department of Commerce
18 designated by the Secretary, with the con-
19 currence of the Secretary of Homeland Se-
20 curity; and

21 “(iv) enforcement activities conducted
22 outside the United States, except for pre-
23 license investigations and post-shipment
24 verifications, shall be conducted with the

1 concurrence of the Secretary of Homeland
2 Security.

3 “(B) AUTHORITY OF OFFICE OF EXPORT
4 ENFORCEMENT.—The Secretary may designate
5 any employee of the Office of Export Enforce-
6 ment of the Department of Commerce to do the
7 following in carrying out enforcement authority
8 under this Act:

9 “(i) Execute any warrant or other
10 process issued by a court or officer of com-
11 petent jurisdiction.

12 “(ii) Make arrests without warrant for
13 any offense against the United States com-
14 mitted in such officer’s presence or view or
15 any felony offense against the United
16 States if such officer has probable cause to
17 believe that the person to be arrested has
18 committed or is committing that felony of-
19 fense.

20 “(iii) Carry firearms.

21 “(4) ATTORNEY GENERAL GUIDELINES.—The
22 authority conferred by paragraph (3) shall be exer-
23 cised consistent with guidelines approved by the At-
24 torney General.”;

1 (2) in subsection (a), as amended by paragraph
2 (1), by striking paragraphs (6), (7), and (8) and in-
3 serting after paragraph (5) the following:

4 “(6) BEST PRACTICES GUIDELINES.—

5 “(A) IN GENERAL.—The Secretary, in con-
6 sultation with the technical advisory committees
7 established under section 5(h), and representa-
8 tive exporters, shippers, trade facilitators,
9 freight forwarders, and reexporters, shall con-
10 tinue to publish and update ‘best practices’
11 guidelines to help industries develop and imple-
12 ment, on a voluntary basis, effective export con-
13 trol programs in compliance with this Act.

14 “(B) EXPORT COMPLIANCE PROGRAM.—

15 The existence of an effective export compliance
16 program and high quality overall export compli-
17 ance effort is one of the factors that ordinarily
18 should be given weight as a mitigating factor in
19 a civil penalty action under this Act.

20 “(7) REFERENCE TO ENFORCEMENT.—For

21 purposes of this section, a reference to the enforce-
22 ment of this Act or to a violation of this Act in-
23 cludes a reference to the enforcement or a violation
24 of any regulation, order, or license issued under this
25 Act, and the enforcement or violation of the Export

1 Administration Regulations as maintained and
2 amended under the authority of the International
3 Emergency Economic Powers Act (50 U.S.C. 1701
4 et seq.), or any order or license issued pursuant to
5 those regulations.”;

6 (3) in subsection (c)—

7 (A) by striking the heading and inserting
8 the following: “CONFIDENTIALITY OF INFORMA-
9 TION.—”

10 (B) by redesignating paragraphs (2) and
11 (3) as paragraphs (3) and (4), respectively;

12 (C) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) EXEMPTIONS FROM DISCLOSURE.—

15 “(A) INFORMATION OBTAINED ON OR BE-
16 FORE JUNE 30, 1980.—Except as otherwise pro-
17 vided by the third sentence of section 8(b)(2)
18 and by section 11(c)(2)(C), information ob-
19 tained under this Act, or any predecessor stat-
20 ute, on or before June 30, 1980, which is
21 deemed confidential, including Shipper’s Export
22 Declarations, or with respect to which a request
23 for confidential treatment is made by the per-
24 son furnishing such information, shall not be
25 subject to disclosure under section 552 of title

1 5, United States Code, and such information
2 shall not be published or disclosed, unless the
3 Secretary determines that withholding such in-
4 formation is contrary to the national interest.

5 “(B) INFORMATION OBTAINED AFTER
6 JUNE 30, 1980.—Except as otherwise provided
7 by the third sentence of section 8(b)(2) and by
8 section 11(c)(2)(C), information obtained under
9 this Act after June 30, 1980, or under the Ex-
10 port Administration Regulations as maintained
11 and amended under the authority of the Inter-
12 national Emergency Economic Powers Act (50
13 U.S.C. 1701 et seq.), may be withheld from dis-
14 closure only to the extent permitted by statute,
15 except that information submitted or obtained
16 in connection with an application for an export
17 license, other export authorization (or record-
18 keeping or reporting requirement), enforcement
19 activity, or other operations under this Act, or
20 under the Export Administration Regulations
21 as maintained and amended under the authority
22 of the International Emergency Economic Pow-
23 ers Act, including—

24 “(i) the export license or other export
25 authorization itself;

1 “(ii) classification requests described
2 in section 10(1), and commodity jurisdic-
3 tion requests;

4 “(iii) information or evidence obtained
5 in the course of any investigation by an
6 employee or officer of the Department of
7 Commerce or any other department or
8 agency of the United States;

9 “(iv) information obtained or fur-
10 nished under section 5 or 6 in connection
11 with any international agreement, treaty,
12 or other obligation; and

13 “(v) information obtained in any in-
14 vestigation of an alleged violation of sec-
15 tion 8, except for information required to
16 be disclosed by section 8(b)(2);

17 shall be withheld from public disclosure and
18 shall not be subject to disclosure under section
19 552 of title 5, United States Code, unless the
20 release of such information is determined by the
21 Secretary to be in the national interest.

22 “(2) WITHHOLDING OF INFORMATION FROM
23 FEDERAL AGENCIES BARRED.—Nothing in this Act
24 shall be construed as authorizing the withholding of
25 information from other Federal agencies for the en-

1 enforcement of this Act, any regulation, rule, order, or
2 license issued under the International Emergency
3 Economic Powers Act, or any other provision of
4 law.”;

5 (D) in paragraph (3), as redesignated—

6 (i) by striking “under this Act or pre-
7 vious Acts” each place it appears and in-
8 serting “under this Act, previous Acts, or
9 under the Export Administration Regula-
10 tions as maintained and amended under
11 the authority of the International Emer-
12 gency Economic Powers Act (50 U.S.C.
13 1701 et seq.)”;

14 (ii) by striking “the General Account-
15 ing Office” each place it appears and in-
16 serting “the Government Accountability
17 Office”; and

18 (iii) by moving the text 2 ems to the
19 right; and

20 (E) in paragraph (4), as redesignated—

21 (i) by striking “(4) Any” and insert-
22 ing the following:

23 “(4) INFORMATION SHARING.—Any”;

24 (ii) by moving the text 2 ems to the
25 right; and

1 (iii) by striking “Commissioner of
2 Customs” each place it appears and insert-
3 ing “Secretary of Homeland Security”;
4 and

5 (4) by adding at the end the following new sub-
6 sections:

7 “(f) FORFEITURE.—

8 “(1) IN GENERAL.—Any tangible items lawfully
9 seized under subsection (a) by designated officers or
10 employees shall be subject to forfeiture to the United
11 States.

12 “(2) PROCEDURES.—Any seizure or forfeiture
13 under this subsection shall be made in accordance
14 with the procedures of section 981 of title 18,
15 United States Code.

16 “(g) UNDERCOVER INVESTIGATION OPERATIONS.—

17 “(1) USE OF FUNDS.—In the case of any un-
18 dercover investigative operation conducted by the Of-
19 fice of Export Enforcement of the Department of
20 Commerce that is necessary for the detection and
21 prosecution of a violation of this Act—

22 “(A) funds made available for export en-
23 forcement under this Act may be used to pur-
24 chase property, buildings, and other facilities,
25 and to lease equipment, conveyances, and space

1 within the United States, without regard to sec-
2 tions 1341 and 3324 of title 31, United States
3 Code, section 8141 of title 40, United States
4 Code, sections 3732(a) and 3741 of the Revised
5 Statutes of the United States (41 U.S.C. 11(a)
6 and 22), and sections 304(a), 304A, 304B,
7 304C, and 305 of the Federal Property and Ad-
8 ministrative Services Act of 1949 (41 U.S.C.
9 254(a), 254b, 254c, 254d, and 255);

10 “(B) funds made available for export en-
11 forcement under this Act may be used to estab-
12 lish or to acquire proprietary corporations or
13 business entities as part of an undercover oper-
14 ation, and to operate such corporations or busi-
15 ness entities on a commercial basis, without re-
16 gard to sections 1341, 3324, and 9102 of title
17 31, United States Code;

18 “(C) funds made available for export en-
19 forcement under this Act and the proceeds from
20 undercover operations may be deposited in
21 banks or other financial institutions without re-
22 gard to section 648 of title 18, United States
23 Code, and section 3302 of title 31, United
24 States Code; and

1 “(D) the proceeds from undercover oper-
2 ations may be used to offset necessary and rea-
3 sonable expenses incurred in such operations
4 without regard to section 3302 of title 31,
5 United States Code, if the Secretary (or the
6 Secretary’s designee) certifies, in writing, that
7 the action authorized by subparagraph (A), (B),
8 (C), or (D) for which the funds would be used
9 is necessary for the conduct of the undercover
10 operation.

11 “(2) DISPOSITION OF BUSINESS ENTITIES.—If
12 a corporation or business entity established or ac-
13 quired as part of an undercover operation has a net
14 value of more than \$250,000 and is to be liquidated,
15 sold, or otherwise disposed of, the Secretary shall re-
16 port the circumstances to the Comptroller General of
17 the United States as much in advance of such dis-
18 position as the Secretary determines is practicable.
19 The proceeds of the liquidation, sale, or other dis-
20 position, after obligations incurred by the corpora-
21 tion or business enterprise are met, shall be depos-
22 ited in the Treasury of the United States as mis-
23 cellaneous receipts. Any property or equipment pur-
24 chased pursuant to paragraph (1) may be retained
25 for subsequent use in undercover operations under

1 this section. When such property or equipment is no
2 longer needed, it shall be considered surplus and dis-
3 posed of as surplus government property.

4 “(3) DEPOSIT OF PROCEEDS.—As soon as the
5 proceeds from an undercover investigative operation
6 of the Office of Export Enforcement of the Depart-
7 ment of Commerce with respect to which an action
8 is authorized and carried out under this subsection
9 are no longer needed for the conduct of such oper-
10 ation, the proceeds or the balance of the proceeds re-
11 maining at the time shall be deposited into the
12 Treasury of the United States as miscellaneous re-
13 ceipts.

14 “(h) AUTHORIZATION FOR BUREAU OF INDUSTRY
15 AND SECURITY.—The Secretary may authorize, without
16 fiscal year limitation, the expenditure of funds transferred
17 to, paid to, received by, or made available to the Bureau
18 of Industry and Security of the Department of Commerce
19 as a reimbursement in accordance with section 9703 of
20 title 31, United States Code (as added by Public Law
21 102–393).”.

22 **SEC. 5. ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-**
23 **VIEW.**

24 Section 13(a) of the Export Administration Act of
25 1979 (50 U.S.C. App. 2412(a)) is amended in the first

1 sentence by inserting “, or under the Export Administra-
2 tion Regulations as maintained and amended under the
3 authority of the International Emergency Economic Pow-
4 ers Act (50 U.S.C. 1701 et seq.),” after “under this Act”.

5 **SEC. 6. ADMINISTRATIVE AND REGULATORY AUTHORITY.**

6 Section 15(a) of the Export Administration Act of
7 1979 (50 U.S.C. App. 2414(a)) is amended in the first
8 sentence—

9 (1) by striking “Under Secretary of Commerce
10 for Export Administration” and inserting “Under
11 Secretary of Commerce for Industry and Security”;
12 and

13 (2) by striking “such other statutes” and all
14 that follows through the end period and inserting
15 “other statutes that the Secretary has delegated to
16 the Under Secretary of Commerce for Industry and
17 Security or any predecessor (including the Under
18 Secretary of Commerce for Export Administration
19 and the Assistant Secretary of Commerce for Trade
20 Administration) as of the date of the enactment of
21 the Export Enforcement Act of 2007, or may dele-
22 gate to the Under Secretary of Commerce for Indus-
23 try and Security from time to time.”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 18 of the Export Administration Act of 1979
3 (50 U.S.C. App. 2417) is amended to read as follows:

4 **“SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to the De-
6 partment of Commerce to carry out this Act—

7 “(1) \$78,776,000 for fiscal year 2008; and

8 “(2) such sums as may be necessary for each
9 of the fiscal years 2009, 2010, 2011, and 2012.”.

10 **SEC. 8. TERMINATION DATE.**

11 Section 20 of the Export Administration Act of 1979
12 (50 U.S.C. App. 2419) is amended to read as follows:

13 **“SEC. 20. TERMINATION DATE.**

14 “The authority granted by this Act shall terminate
15 at the end of the 5-year period beginning on the date of
16 the enactment of the Export Enforcement Act of 2007,
17 except that the authority granted by sections 11 and 12
18 of this Act shall not terminate.”.

19 **SEC. 9. TECHNICAL AND CONFORMING AMENDMENTS.**

20 (a) WIRETAPPING.—Section 2516(1) of title 18,
21 United States Code, is amended—

22 (1) by amending subsection (m) to read as fol-
23 lows:

24 “(m) any violation of the Export Administra-
25 tion Act of 1979 or of the International Emergency
26 Economic Powers Act;”; and

1 (2) in subsection (p), by inserting “(8 U.S.C.
2 1324, 1327, or 1328)” after “Immigration and Na-
3 tionality Act”.

4 (b) PAY OF UNDER SECRETARY.—Section 5314 of
5 title 5, United States Code, is amended by striking
6 “Under Secretary of Commerce for Export Administra-
7 tion” and inserting “Under Secretary of Commerce for In-
8 dustry and Security”.

9 (c) AMENDMENTS TO TITLE 31, UNITED STATES
10 CODE.—

11 (1) Section 9703(a) of title 31, United States
12 Code (as added by Public Law 102–393), is amend-
13 ed in the matter preceding paragraph (1), by strik-
14 ing “or the United States Coast Guard” and insert-
15 ing, “, the United States Coast Guard, or the Bu-
16 reau of Industry and Security of the Department of
17 Commerce”.

18 (2) Section 9703(o)(1) of title 31, United
19 States Code (as added by Public Law 102–393) is
20 amended by adding at the end the following: “For
21 purposes of this section, the Bureau of Industry and
22 Security of the Department of Commerce shall be
23 considered to be a Department of the Treasury law
24 enforcement organization.”.

1 (d) CIVIL FORFEITURE PROCEEDINGS.—Section
2 983(i)(2) of title 18, United States Code, is amended—

3 (1) by striking “or” at the end of subparagraph
4 (D);

5 (2) by striking the period at the end of sub-
6 paragraph (E) and inserting “; or”; and

7 (3) by adding at the end the following new sub-
8 paragraph:

9 “(F) the Export Administration Act of
10 1979.”.

11 (e) CLERICAL AMENDMENT.—Section 11A(k) of the
12 Export Administration Act of 1979 (50 U.S.C. App.
13 2410A(k)) is amended—

14 (1) by redesignating paragraph (3) as para-
15 graph (2); and

16 (2) in paragraph (2), as redesignated, by strik-
17 ing “paragraph (2)” and inserting “paragraph (1)”.

18 (f) ARMS EXPORT CONTROL ACT.—The Arms Ex-
19 port Control Act (22 U.S.C. 2771 et seq.) is amended—

20 (1) in section 38(e) (22 U.S.C. 2778(e)), by
21 striking “subsections (c), (d), (e), and (g)” and in-
22 serting “(b), (c), (d), and (e)”; and

23 (2) in section 40(k) (22 U.S.C. 2780(k)), by
24 striking “11(c), 11(e) , 11(g)” and inserting “11(b),
25 11(c), 11(e)”.

1 (g) TARIFF ACT OF 1930.—Section 596 of the Tariff
2 Act of 1930 (19 U.S.C. 1595A) is amended by adding at
3 the end the following new subsection:

4 “(e) Every person involved in a violation of subsection
5 (d) shall be liable for a penalty up to the value of the
6 articles exported or attempted to be exported, or \$2,500,
7 whichever is greater.”.

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