

Public Law 97-145
97th Congress

An Act

To authorize appropriations for the fiscal years 1982 and 1983 to carry out the purposes of the Export Administration Act of 1979, and for other purposes.

Dec. 29, 1981
[H.R. 3567]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Administration Amendments Act of 1981".

SEC. 2. (a) Section 18(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2417(b)(1)) is amended to read as follows:

Export
Administration
Amendments
Act of 1981.
50 USC app. 2401
note.

"(1) \$9,659,000 for each of the fiscal years 1982 and 1983; and".

(b) The amendment made by subsection (a) shall be effective as of October 1, 1981.

Effective date.
50 USC app. 2417
note.

SEC. 3. Section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)) is amended by adding at the end thereof the following:

"(3) Departments or agencies which obtain information which is relevant to the enforcement of this Act shall furnish such information to the department or agency with enforcement responsibilities under this Act to the extent consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities. The provisions of this paragraph shall not apply to information subject to the restrictions set forth in section 9 of title 13, United States Code; and return information, as defined in subsection (b) of section 6103 of the Internal Revenue Code of 1954, may be disclosed only as authorized by such section."

Information
disclosure.

26 USC 6103.

SEC. 4. (a) Section 11(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410(b)(1)) is amended by striking out "purposes," and all that follows through the period at the end thereof and inserting in lieu thereof the following: "purposes—

"(A) except in the case of an individual, shall be fined not more than five times the value of the exports involved or \$1,000,000, whichever is greater; and

"(B) in the case of an individual, shall be fined not more than \$250,000, or imprisoned not more than 10 years, or both."

(b) Section 11(b)(2) of that Act (50 U.S.C. App. 2410(b)(2)) is amended by striking out "Defense," and all that follows through the period at the end of the first sentence and inserting in lieu thereof the following: "Defense—

"(A) except in the case of an individual, shall be fined not more than five times the value of the exports involved or \$1,000,000, whichever is greater; and

"(B) in the case of an individual, shall be fined not more than \$250,000, or imprisoned not more than 5 years, or both."

(c) Section 11(c)(1) of that Act (50 U.S.C. App. 2410(c)(1)) is amended by inserting immediately before the period at the end thereof the following: ", except that the civil penalty for each such violation involving national security controls imposed under section 5 of this Act or controls imposed on the export of defense articles and defense

22 USC 2778.

Effective date.
50 USC app. 2410
note.Information
disclosure to
Congress.

31 USC 54.

50 USC app.
2405.

services under section 38 of the Arms Export Control Act may not exceed \$100,000.”

(d) The amendments made by this section apply with respect to violations occurring after the date of the enactment of this Act.

SEC. 5. Section 12(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)(2)) is amended to read as follows:

“(2) Nothing in this Act shall be construed as authorizing the withholding of information from the Congress or from the General Accounting Office. All information obtained at any time under this Act or previous Acts regarding the control of exports, including any report or license application required under this Act, shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this Act or previous Acts regarding the control of exports which is submitted on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest. Notwithstanding paragraph (1) of this subsection, information referred to in the second sentence of this paragraph shall, consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities, as determined by the agency that originally obtained the information, and consistent with the provisions of section 313 of the Budget and Accounting Act, 1921, be made available only by that agency, upon request, to the Comptroller General of the United States or to any officer or employee of the General Accounting Office who is authorized by the Comptroller General to have access to such information. No officer or employee of the General Accounting Office shall disclose, except to the Congress in accordance with this paragraph, any such information which is submitted on a confidential basis and from which any individual can be identified.”

SEC. 6. Section 6(f) of the Export Administration Act of 1979 (50 U.S.C. 2405(f)) is amended—

(1) in the subsection caption by inserting “AND FOR CERTAIN FOOD EXPORTS” immediately after “SUPPLIES”;

(2) by inserting the following immediately after the first sentence: “Before export controls on food are imposed, expanded, or extended under this section, the Secretary shall notify the Secretary of State in the case of export controls applicable with respect to any developed country and shall notify the Director of the United States International Development Cooperation Agency in the case of export controls applicable with respect to any developing country. The Secretary of State with respect to developed countries, and the Director with respect to developing countries, shall determine whether the proposed export controls on food would cause measurable malnutrition and shall inform the Secretary of that determination. If the Secretary is informed that the proposed export controls on food would cause measurable malnutrition, then those controls may not be imposed, expanded, or extended, as the case may be, unless the President determines that those controls are necessary to protect the national security interests of the United States, or unless the President determines that arrangements are insufficient to ensure that the food will reach those most in need. Each such determination by the Secretary of State or the Director of the United States International Development Cooperation Agency, and any such determination by the President, shall be reported

to the Congress, together with a statement of the reasons for that determination.”;

(3) in the next to the last sentence by striking out “supplies,” and inserting in lieu thereof “supplies or of food”; and

(4) in the last sentence by inserting immediately before the period “or to any export control on food which is in effect on the date of the enactment of the Export Administration Amendments Act of 1981”.

SEC. 7. Notwithstanding any other provision of law, no provision of the Export Administration Act of 1979, as amended by this Act, or of any other Act shall be construed to prohibit the exercise of authorities contained in the Export Administration Act of 1979 to impose a total embargo in the event of Soviet or Warsaw Pact military action against Poland.

Soviet or
Warsaw Pact
embargo.
50 USC app. 2405
note.
50 USC app. 2401
note.

Approved December 29, 1981.

LEGISLATIVE HISTORY—H.R. 3567 (S. 1112):

HOUSE REPORTS: No. 97-57 (Comm. on Foreign Affairs) and No. 97-401 (Comm. of Conference).

SENATE REPORT No. 97-91 accompanying S. 1112 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 127 (1981):

June 8, considered and passed House.

Nov. 9, 10, 12, S. 1112 considered in Senate.

Nov. 12, considered and passed Senate, amended, in lieu of S. 1112.

Dec. 15, Senate agreed to conference report.

Dec. 16, House agreed to conference report.