

1 A Bill

2 To revise and extend the Export Administration Act of 1979, as amended.

3 *Be it enacted by the Senate and the House of Representatives of the United States of*
4 *America in Congress assembled, That*

5 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. NATIONAL SECURITY CONTROLS.**

8 Section 5(f)(6) of the Export Administration Act of 1979 (50 U.S.C. App. § 2404(f)(6)) is
9 amended by striking “Under Secretary of Commerce for Export Administration” and inserting
10 “Under Secretary of Commerce for Industry and Security”.

11 **SEC. 3. VIOLATIONS.**

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

14 (1) by striking subsections (a) and (b) and inserting the following:

15 “(a) CRIMINAL PENALTIES.—

16 “(1) VIOLATIONS BY AN INDIVIDUAL.— Any individual who
17 willfully violates, conspires to violate, or attempts to violate any provision
18 of this Act or any regulation, license, or order issued under this Act shall
19 be fined up to \$1,000,000, imprisoned for not more than 10 years, or both,
20 for each violation.

21 “(2) VIOLATIONS BY A PERSON OTHER THAN AN
22 INDIVIDUAL.— Any person, other than an individual, who willfully
23 violates, conspires to violate, or attempts to violate any provision of this

1 Act or any regulation, license, or order issued under this Act shall be fined
2 up to 10 times the value of the exports involved or \$5,000,000, whichever
3 amount is greater, for each violation.

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

5 “(1) CRIMINAL FORFEITURE.— Any person who is convicted
6 of an offense under paragraph (1) or (2) of subsection (a) shall, in addition
7 to any penalty, forfeit to the United States such person’s interest in —

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

11 “(B) any property, real or personal, constituting or traceable
12 to gross profits or other proceeds obtained from such offense; and

13 “(C) any property, real or personal, used or intended to be
14 used to commit or to promote the commission of such offense.

15 “(2) CIVIL FORFEITURE.— Any property subject to forfeiture
16 pursuant to subsection (b)(1) may be forfeited to the United States in a
17 civil case in accordance with the procedures set forth in section 981 of
18 Title 18.”;

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

20 “(1) The Secretary may impose a civil penalty of up to \$500,000 for each violation of a
21 provision of this Act or any regulation, license, or order issued under this Act. A civil
22 penalty under this paragraph may be in addition to, or in lieu of, any other liability or
23 penalty which may be imposed for such a violation.”;

1 (3) by striking subsections (g) and (h) and inserting the following:

2 “(g) VIOLATIONS DEFINED BY REGULATION.—Nothing in this section shall
3 limit the authority of the Secretary to define by regulation violations under this Act.

4 “(h) EFFECT OF OTHER CONVICTIONS.—

5 “(1) DENIAL OF EXPORT PRIVILEGES.— Any person convicted of a
6 violation described in paragraph (2) may, at the discretion of the Secretary, be
7 denied export privileges under this Act for a period not to exceed 25 years from
8 the date of the conviction. The Secretary may also revoke any export license
9 under this Act in which such person had an interest at the time of the conviction.

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

12 “(A) a provision of this Act;

13 “(B) a provision of the International Emergency Economic Powers
14 Act (50 U.S.C. §§ 1701 et seq.);

15 “(C) section 793, 794, or 798 of Title 18, United States Code;

16 “(D) section 4(b) of the Internal Security Act of 1950 (50 U.S.C.
17 § 783(b));

18 “(E) section 38 of the Arms Export Control Act (22 U.S.C.
19 § 2778);

20 “(F) section 16 of the Trading with the Enemy Act (50 U.S.C.
21 App. § 16);

22

1 “(G) any regulation, license, or order issued under any provision of
2 law listed in subparagraph (A), (B), (C), (D), (E), or (F);

3 “(H) section 371 or 1001 of Title 18, United States Code, if in
4 connection with the export or attempted export of items subject to this Act
5 or any regulation, license, or order issued under the International
6 Emergency Economic Powers Act, the Arms Export Control Act, or the
7 Trading with the Enemy Act;

8 “(I) section 175 of Title 18, United States Code;

9 “(J) a provision of the Atomic Energy Act of 1954 (42 U.S.C.
10 §§ 201 et seq.);

11 “(K) section 831 of Title 18, United States Code;

12 “(L) sections 2332a, 2332b, 2332d, 2332g, and 2332h of Title 18,
13 United States Code;

14 “(M) section 1956 of Title 18, United States Code, if in
15 conjunction with any export or attempted export in violation of this Act, or
16 any regulation, rule, order, or license issued under the International
17 Emergency Economic Powers Act, the Arms Export Control Act, or the
18 Trading with the Enemy Act;

19 “(N) sections 2339A, 2339B, and 2339C of Title 18, United States
20 Code; or

21 “(O) section 554 of Title 18, United States Code.

22 “(3) RELATED PERSONS.— The Secretary may exercise the authority
23 under paragraph (1) with respect to any person related through affiliation,

1 ownership, control, or position of responsibility to a person convicted of any
2 violation of a law set forth in paragraph (2), upon a showing of such relationship
3 with the convicted person. The Secretary shall make such showing only after
4 providing notice and opportunity for a hearing.”; and

5 (4) by adding at the end the following new subsection:

6 “(j) STATUTE OF LIMITATIONS.—

7 “(1) IN GENERAL.— Except as provided in paragraph (2), a
8 proceeding in which a civil penalty or other administrative sanction is sought
9 under subsection (c) may not be commenced more than 5 years after the date on
10 which the offense was committed.

11 “(2) EXCEPTION.—

12 “(A) TOLLING.— In any case in which a criminal
13 indictment or information in connection with actions constituting a
14 violation under subsection (a) is returned or filed within the time limits
15 prescribed by law for the institution of such indictment or information (as
16 the case may be), the limitation under paragraph (1) for commencing a
17 proceeding to impose a civil penalty or other administrative sanction under
18 this section shall, upon the return of the criminal indictment or the filing of
19 the criminal information, be tolled against any person named as a
20 defendant.

21 “(B) DURATION.— The tolling of the limitation with
22 respect to a defendant under subparagraph (A) as a result of a criminal
23 indictment or information shall continue for a period of 6 months

1 beginning on the date on which the defendant is convicted pursuant to the
2 criminal indictment or criminal information, the indictment or the
3 information against the defendant is dismissed, or the criminal action has
4 otherwise concluded.”.

5 **SEC. 4. ENFORCEMENT.**

6 Section 12 of the Export Administration Act of 1979 (50 U.S.C. App. § 2411) is amended
7 as follows:

8 (1) Subsection (a) is amended by striking paragraphs (1), (2), (3), and (4) and
9 inserting after “(a) GENERAL AUTHORITY.” — the following:

10 “(1) IN GENERAL.— To the extent necessary or appropriate to the
11 enforcement of this Act or to the imposition of any penalty, forfeiture, or liability
12 arising under this Act—

13 “(A) the head of any department or agency exercising any function
14 under this Act (and officers or employees of such department or agency
15 specifically designated by the head thereof) may conduct investigations
16 within the United States;

17 “(B) the Secretary of Homeland Security (and officers or
18 employees of U.S. Immigration and Customs Enforcement specifically
19 designated by the Secretary of the Department of Homeland Security) and
20 the Secretary of Commerce (and officers and employees of the Office of
21 Export Enforcement of the Department of Commerce specifically
22 designated by the Secretary) may conduct investigations outside of the
23 United States;

1 “(C) the head of any department or agency exercising any function
2 under this Act (and such officers or employees) may obtain information
3 from, require reports or the keeping of records by, inspect the books,
4 records, and other writings, premises, or property of, and take the sworn
5 testimony of, any person;

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

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

17 “(E) the Secretary (and officers or employees of the Department of
18 Commerce designated by the Secretary) may conduct, outside the United
19 States, pre-license investigations and post-shipment verifications of items
20 licensed for export.

21 “(2) AUTHORITY OF IMMIGRATION AND CUSTOMS
22 ENFORCEMENT AND CUSTOMS AND BORDER PROTECTION.—
23

1 “(A) IN GENERAL.— Subject to subparagraph (B), U.S.
2 Immigration and Customs Enforcement and U.S. Customs and Border Protection
3 are authorized, in the enforcement of this Act—

4 “(i) to search, detain (after search), and seize goods or
5 technology at those places outside the United States where such
6 entities are authorized, pursuant to agreements or other
7 arrangements with other countries, to perform enforcement
8 activities; and

9 “(ii) to conduct such activities at those ports of entry or exit
10 from the United States where officers of U.S. Immigration and
11 Customs Enforcement and U.S. Customs and Border Protection are
12 authorized by law to conduct such activities.

13 “(B) SEARCHES AND SEIZURES.— An officer of U.S.
14 Immigration and Customs Enforcement or U.S. Customs and Border
15 Protection may do the following in carrying out enforcement authority
16 under this Act:

17 “(i) Stop, search, and examine a vehicle, vessel, aircraft,
18 person, package or container;

19 “(ii) Detain (after search) or seize and secure for trial any
20 goods or technology on or about such vehicle, vessel, aircraft, or
21 person, or in such package or container; and

22 “(iii) Make arrests without warrant for any violation of
23 this Act committed in his or her presence or view or if the officer

1 has probable cause to believe that the person to be arrested has
2 committed or is committing such a violation.

3 “(C) ARREST AUTHORITY.— The arrest authority conferred by
4 subparagraph (B)(iii) is in addition to any arrest authority under other
5 laws.

6 “(D) DETENTION OF GOODS. — U.S. Immigration and Customs
7 Enforcement and U.S. Customs and Border Protection may not detain for
8 more than 45 days any shipment of goods or technology eligible for export
9 without a Department of Commerce license. In a case in which such
10 detention is on account of a disagreement between the Secretary and the
11 head of any other department or agency with export license authority
12 under other provisions of law concerning the export license requirements
13 for such goods or technology, such disagreement shall be resolved within
14 that 45-day period. At the end of that 45-day period, U.S. Immigration
15 and Customs Enforcement or U.S. Customs and Border Protection (as the
16 case may be) shall either release the goods or technology, or seize the
17 goods or technology as authorized by other provisions of law.

18 “(3) ENFORCEMENT.—

19 “(A) IN GENERAL.— Subject to subparagraph (B)—

20 “(i) the Secretary shall have the responsibility for the
21 enforcement of section 8;

22

1 “(ii) in the enforcement of the other provisions of this Act,
2 the Secretary is authorized to search, detain (after search), and
3 seize goods or technology—

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

6 “(II) at those places outside the United States where
7 the Office of Export Enforcement of the Department of
8 Commerce, pursuant to agreements or other arrangements
9 with other countries, is authorized to perform enforcement
10 activities;

11 “(iii) the search, detention (after search), or seizure of
12 goods or technology at those ports and places specified in
13 paragraph (2)(A) may be conducted by officers or employees of
14 the Department of Commerce designated by the Secretary, with the
15 concurrence of the Secretary of Homeland Security; and

16 “(iv) enforcement activities conducted outside the United
17 States, except for pre-license investigations and post-shipment
18 verifications, shall be undertaken with the concurrence of the
19 Secretary of Homeland Security.

20 “(B) AUTHORITY OF OFFICE OF EXPORT

21 ENFORCEMENT.— The Secretary may designate any employee of the
22 Office of Export Enforcement of the Department of Commerce to do the
23 following in carrying out the enforcement authority conferred by this Act:

1 “(i) Execute any warrant or other process issued by a court
2 or officer of competent jurisdiction.

3 “(ii) Make arrests without warrant for any offense against
4 the United States committed in such officer’s presence or view or
5 any felony offense against the United States if such officer has
6 probable cause to believe that the person to be arrested has
7 committed or is committing that felony offense.

8 “(iii) Carry firearms.

9 “(4) ATTORNEY GENERAL GUIDELINES.— The authorities
10 conferred by the Export Enforcement Act of 2007 under paragraph (3)
11 shall be exercised consistent with guidelines approved by the Attorney
12 General.”

13 (2) Subsection (a) is further amended—

14 (A) by striking paragraphs (6), (7), and (8); and

15 (B) by inserting after paragraph (5) the following:

16 “(6) BEST PRACTICES GUIDELINES.—

17 “(A) IN GENERAL.— The Secretary, in consultation with the
18 technical advisory committees established under section 5(h) and
19 exporters, shippers, trade facilitators, freight forwarders, and reexporters
20 representative of their respective industries, shall continue to publish and
21 update ‘best practices’ guidelines to help those industries develop and
22 implement, on a voluntary basis, effective export control programs in
23 compliance with this Act.

1 “(B) EXPORT COMPLIANCE PROGRAM.— The existence of an
2 effective export compliance program and high quality overall export
3 compliance efforts is one factor which ordinarily should be accorded great
4 weight as a mitigating factor in civil penalty enforcement actions under
5 this Act.

6 “(7) REFERENCE TO ENFORCEMENT.— For purposes of this section, a
7 reference to the enforcement of this Act or to a violation of this Act includes a
8 reference to the enforcement or a violation of any regulation, order, or license
9 issued under this Act, and the enforcement or violation of the Export
10 Administration Regulations as maintained and amended under the authority of the
11 International Emergency Economic Powers Act (50 U.S.C. §§ 1701 et seq.), or
12 any order or license issued pursuant to those regulations.”

13 (3) Subsection (c) is amended—

14 (A) by striking “(c) CONFIDENTIALITY” and all that follows through
15 paragraph (1), inserting the following:

16 “(c) CONFIDENTIALITY OF INFORMATION.—

17 “(1) EXEMPTIONS FROM DISCLOSURE.—

18 “(A) INFORMATION OBTAINED ON OR BEFORE JUNE 30,
19 1980.— Except as otherwise provided by the third sentence of
20 section 8(b)(2) and by section 11(c)(2)(C), information obtained
21 under this Act, or any predecessor statute, on or before June 30,
22 1980, which is deemed confidential, including Shipper’s Export
23 Declarations, or with respect to which a request for confidential

1 treatment is made by the person furnishing such information, shall
2 not be subject to disclosure under section 552 of Title 5, United
3 States Code, and such information shall not be published or
4 disclosed, unless the Secretary determines that the withholding
5 thereof is contrary to the national interest.

6 “(B) INFORMATION OBTAINED AFTER JUNE 30, 1980.—

7 Except as otherwise provided by the third sentence of
8 section 8(b)(2) and by section 11(c)(2)(C), information obtained
9 under this Act after June 30, 1980, or under the Export
10 Administration Regulations as maintained and amended under the
11 authority of the International Emergency Economic Powers Act
12 (50 U.S.C. §§ 1701 et seq.), may be withheld from disclosure only
13 to the extent permitted by statute, except that information
14 submitted or obtained in connection with an application for an
15 export license, other export authorization (or recordkeeping or
16 reporting requirement), enforcement activity, or other operations
17 under this Act, or under the Export Administration Regulations as
18 maintained and amended under the authority of the International
19 Emergency Economic Powers Act, including—

20 “(i) the export license or other export authorization itself,

21 “(ii) classification requests described in section 10(l), and
22 commodity jurisdiction requests,
23

1 “(iii) information or evidence obtained in the course of any
2 investigation by an employee or officer of the Department

3 Commerce or any other department or agency of the United States,

4 “(iv) information obtained or furnished under section 5 or 6
5 in connection with any international agreement, treaty, or other
6 obligation, and

7 “(v) information obtained in any investigation of an alleged
8 violation of section 8, except for information required to be
9 disclosed by section 8(b)(2),
10 shall be withheld from public disclosure and shall not be subject to
11 disclosure under section 552 of Title 5, United States Code, unless
12 the release of such information is determined by the Secretary to
13 be in the national interest.

14 “(2) WITHHOLDING OF INFORMATION BARRED.— Nothing in this
15 Act shall be construed as authorizing the withholding of information from other
16 federal agencies for the enforcement of this Act, any regulation, rule, order, or
17 license issued under the International Emergency Economic Powers Act, or any
18 other provision of law.”.

19 (B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4),

20 (C) in paragraph (3), as redesignated, by striking “under this Act or
21 previous Acts” each place it appears and inserting “under this Act, previous Acts,
22 or under the Export Administration Regulations as maintained and amended under
23

1 the authority of the International Emergency Economic Powers Act (50 U.S.C.
2 §§ 1701 et seq.)”.

3 (D) in paragraph (4) as redesignated—

4 (i) by striking “(3) Any” and inserting “(4) INFORMATION
5 SHARING.—Any”;

6 (ii) by moving the text of paragraph (4) two spaces to the right; and

7 (iii) by striking “Commissioner of Customs” each place it appears
8 and inserting “Secretary of Homeland Security”.

9 (4) Section 12 is further amended by adding at the end the following new
10 subsections:

11 “(f) FORFEITURE.—

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

15 “(2) PROCEDURES.—Any seizure or forfeiture under this subsection
16 shall be made in accordance with the procedures of section 981 of Title 18.

17 “(g) UNDERCOVER INVESTIGATION OPERATIONS.—

18 “(1) USE OF FUNDS.—With respect to any undercover investigative
19 operation conducted by the Office of Export Enforcement of the Department of
20 Commerce that is necessary for the detection and prosecution of violations of this
21 Act—

1 “(A) funds made available for export enforcement under this Act
2 may be used to purchase property, buildings, and other facilities, and to lease
3 equipment, conveyances, and space within the United States, without regard to
4 sections 1341 and 3324 of Title 31, United States Code, section 8141 of Title 40,
5 United States Code, sections 3732(a) and 3741 of the Revised Statutes of the
6 United States (41 U.S.C. §§ 11(a) and 22), and sections 304(a), 304A, 304B,
7 304C, and 305 of the Federal Property and Administrative Services Act of 1949
8 (41 U.S.C. §§ 254(a), 254b, 254c, 254d, and 255);

9 “(B) funds made available for export enforcement under this Act
10 may be used to establish or to acquire proprietary corporations or business
11 entities as part of an undercover operation, and to operate such
12 corporations or business entities on a commercial basis, without regard to
13 sections 1341, 3324, and 9102 of Title 31, United States Code;

14 “(C) funds made available for export enforcement under this Act
15 and the proceeds from undercover operations may be deposited in banks
16 or other financial institutions without regard to section 648 of Title 18,
17 United States Code, and section 3302 of Title 31, United States Code; and

18 “(D) the proceeds from undercover operations may be used to
19 offset necessary and reasonable expenses incurred in such operations
20 without regard to section 3302 of Title 31, United States Code, if the
21 Secretary certifies, in writing, that the action authorized by
22 subparagraph (A), (B), (C), or (D) for which the funds would be used is
23 necessary for the conduct of the undercover operation.

1 “(2) DISPOSITION OF BUSINESS ENTITIES.—If a corporation or
2 business entity established or acquired as part of an undercover operation has a
3 net value of more than \$250,000 and is to be liquidated, sold, or otherwise
4 disposed of, the Secretary shall report the circumstances to the Comptroller
5 General of the United States as much in advance of such disposition as the
6 Secretary determines is practicable. The proceeds of the liquidation, sale, or other
7 disposition, after obligations incurred by the corporation or business enterprise are
8 met, shall be deposited in the Treasury of the United States as miscellaneous
9 receipts. Any property or equipment purchased pursuant to paragraph (1) may be
10 retained for subsequent use in undercover operations under this section. When
11 such property or equipment is no longer needed, it shall be considered surplus and
12 disposed of as surplus government property.

13 “(3) DEPOSIT OF PROCEEDS.— As soon as the proceeds from an
14 undercover investigative operation of the Office of Export Enforcement of the
15 Department of Commerce with respect to which an action is authorized and
16 carried out under this subsection are no longer needed for the conduct of such
17 operation, the proceeds or the balance of the proceeds remaining at the time shall
18 be deposited into the Treasury of the United States as miscellaneous receipts.

19 “(h) AUTHORIZATION FOR BUREAU OF INDUSTRY AND
20 SECURITY.— The Secretary may authorize, without fiscal year limitation, the
21 expenditure of funds transferred to, paid to, received by, or made available to the
22 Bureau of Industry and Security of the Department of Commerce as a
23

1 reimbursement in accordance with section 9703 of Title 31, United States Code
2 (as added by Public Law 102-393).”.

3 **SEC. 5. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.**

4 Section 13(a) of the Export Administration Act of 1979 (50 U.S.C. App. § 2412(a)) is
5 amended in the first sentence by inserting “or under the Export Administration Regulations as
6 maintained and amended under the authority of the International Emergency Economic Powers
7 Act (50 U.S.C. §§ 1701 et seq.)” after “under this Act”.

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

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

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

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

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

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

2 (1) Section 9703(a) of Title 31, United States Code (as added by Public Law
3 102–393), is amended in the matter preceding paragraph (1), by striking “or the United
4 States Coast Guard” and inserting, “, the United States Coast Guard, or the Bureau of
5 Industry and Security of the Department of Commerce”.

6 (2) Section 9703(o)(1) of Title 31, United States Code (as added by Public Law
7 102–393) is amended by adding at the end the following: “In addition, for purposes of
8 this section, the Bureau of Industry and Security of the Department of Commerce shall be
9 considered to be a Department of the Treasury law enforcement organization.”.

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

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

13 (2) by striking the period at the end of subparagraph (E) and inserting “; or”; and

14 (3) by adding at the end the following new subparagraph:

15 “(F) the Export Administration Act of 1979, as amended.”.

16 (e) CLERICAL AMENDMENT.—Paragraph (3) of section 11A(k) of the Export
17 Administration Act of 1979 (50 U.S.C. App. § 2410A(k)(3)) is amended—

18 (1) by redesignating that paragraph as paragraph (2); and

19 (2) by striking reference to “paragraph (2)” and inserting “paragraph (1)”.

20 (f) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act (sections 38(e)
21 and 40(k) of Title 22, United States Code), is amended as follows:

22

1 (1) in section 38(e) (22 U.S.C. § 2778(e)), by striking “subsections (c), (d), (e)
2 and (g)” and inserting “subsections (b), (c), (d) and (e)” in its place; and

3 (2) in section 40(k) (22 U.S.C. § 2780(k)), by striking “11(c), 11(e) , 11(g)” and
4 inserting “11(b), 11(c), 11(e)” in its place.

5 (g) TARIFF ACT OF 1930.—The Tariff Act of 1930 (section 1595a of Title 19, United
6 States Code) is amended by inserting the following new subsection:

7 “(e) Every person involved in a violation of subsection (d) shall be liable for a
8 penalty up to the value of the article or articles exported or attempted to be exported, or
9 \$2500.00, whichever is greater.”.