

117TH CONGRESS
2D SESSION

H. R. 9493

To amend the Export Control Reform Act of 2018 to reauthorize the export administrative subpoena authority and other authorities under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2022

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Export Control Reform Act of 2018 to reauthorize the export administrative subpoena authority and other authorities under that Act, 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 “Homeland Security
5 Export Subpoena Act”.

1 **SEC. 2. REAUTHORIZATION OF EXPORT ADMINISTRATIVE**
2 **SUBPOENA AUTHORITY AND OTHER AU-**
3 **THORITIES UNDER THE EXPORT CONTROL**
4 **REFORM ACT OF 2018.**

5 Section 1761(k) of the Export Control Reform Act
6 of 2018 (50 U.S.C. 4820(k)) is amended to read as fol-
7 lows:

8 “(k) **AUTHORITY OF THE DEPARTMENT OF HOME-**
9 **LAND SECURITY.—**

10 “(1) **IN GENERAL.—**Nothing in this subtitle
11 shall be construed to limit or otherwise affect the en-
12 forcement authorities of the Department of Home-
13 land Security.

14 “(2) **CUSTOMS OFFICER AUTHORITIES.—**

15 “(A) U.S. Immigration and Customs En-
16 forcement and U.S. Customs and Border Pro-
17 tection may take appropriate action to ensure
18 observance of this subtitle as to the enforce-
19 ment of export controls.

20 “(B) U.S. Immigration and Customs En-
21 forcement may make investigations into viola-
22 tions of this subtitle both within and outside of
23 the United States, and may obtain such infor-
24 mation from, require such reports or the keep-
25 ing of such records by, make such inspection of
26 the books, records, and other writings, prem-

1 ises, or property of, and take the sworn testi-
2 mony of, any person.

3 “(C) U.S. Immigration and Customs En-
4 forcement special agents and U.S. Customs and
5 Border Protection officers may administer
6 oaths or affirmations, and may by subpoena re-
7 quire any person to appear and testify or to ap-
8 pear and produce books, records, and other
9 writings, or both, and in the case of contumacy
10 by, or refusal to obey a subpoena issued to, any
11 such person, a district court of the United
12 States, after notice to any such person and
13 hearing, shall have jurisdiction to issue an order
14 requiring such person to appear and give testi-
15 mony or to appear and produce books, records,
16 and other writings, or both, and any failure to
17 obey such order of the court may be punished
18 by such court as a contempt thereof.”.

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