

103^D CONGRESS
1ST SESSION

H. R. 1438

To strengthen United States and international antiterrorism efforts.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1993

Mr. GILMAN (for himself, Ms. MOLINARI, and Mr. SOLOMON) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Ways and Means, and the Judiciary

A BILL

To strengthen United States and international antiterrorism efforts.

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 “Antiterrorism Act of
5 1993”.

6 **SEC. 2. GENERAL POLICY STATEMENT.**

7 The Congress finds and declares the following:

8 (1) The continued use of terrorism is to be de-
9 plored.

1 (2) With the dramatic changes that have oc-
2 curred in the world in the late 1980s and early
3 1990s, the world community has an extraordinary
4 opportunity to further curtail, and possibly elimi-
5 nate, terrorist activity.

6 **SEC. 3. EMBARGO ON TRADE WITH COUNTRIES SUPPORT-**
7 **ING INTERNATIONAL TERRORISM.**

8 (a) TRADE EMBARGO.—

9 (1) PROHIBITION ON IMPORTS.—Goods or serv-
10 ices from a country described in subsection (b) may
11 not be imported into the United States.

12 (2) PROHIBITION ON EXPORTS.—(A) Goods and
13 technology that are subject to the jurisdiction of the
14 United States, or that are exported by any person
15 subject to the jurisdiction of the United States, may
16 not be exported to any country described in sub-
17 section (b).

18 (B) As used in this paragraph, the term “goods
19 and technology” includes—

20 (i) any goods or technology (as those terms
21 are defined in paragraphs (3) and (4) of section
22 16 of the Export Administration Act of 1979);
23 and

1 (ii) any materials or technology that are
2 subject to export controls under the Atomic En-
3 ergy Act of 1954.

4 (C) Sections 11, 12, and 13 of the Export Ad-
5 ministration Act of 1979 (relating to violations, en-
6 forcement, and administrative procedure and judicial
7 review) apply with respect to violations and enforce-
8 ment of this paragraph, without regard to the termi-
9 nation date specified in section 20 of that Act.

10 (3) REGULATIONS.—The President may issue
11 such regulations as are necessary to carry out this
12 subsection.

13 (b) COUNTRIES SUBJECT TO EMBARGO.—

14 (1) DETERMINATION BY THE SECRETARY OF
15 STATE.—Subsection (a) applies with respect to a
16 country if the Secretary of State determines that the
17 government of that country has repeatedly provided
18 support for acts of international terrorism. For pur-
19 poses of this section, support for acts of inter-
20 national terrorism includes a situation in which the
21 government of a country knowingly allows an inter-
22 national terrorist organization to operate or main-
23 tain facilities within the country without taking
24 measures to prevent such organization from operat-
25 ing freely.

1 (2) PUBLICATION OF DETERMINATIONS.—Each
2 determination of the Secretary of State under para-
3 graph (1) shall be published in the Federal Register.

4 (3) RESCISSION OF DETERMINATION.—A deter-
5 mination made by the Secretary of State under
6 paragraph (1) may not be rescinded unless the
7 President submits to the Congress—

8 (A) before the proposed rescission would
9 take effect, a report certifying that—

10 (i) there has been a fundamental
11 change in the leadership and policies of the
12 government of the country concerned;

13 (ii) that government is not supporting
14 acts of international terrorism; and

15 (iii) that government has provided as-
16 surances that it will not support acts of
17 international terrorism in the future; or

18 (B) at least 45 days before the proposed
19 rescission would take effect, a report justifying
20 the rescission and certifying that—

21 (i) the government concerned has not
22 provided any support for international ter-
23 rorism during the preceding 6-month pe-
24 riod; and

1 (ii) the government concerned has
2 provided assurances that it will not sup-
3 port acts of international terrorism in the
4 future.

5 (c) WAIVER AUTHORITY.—The President may waive,
6 in whole or in part, the application of subsection (a)(1)
7 or (a)(2)(A) with respect to a country if—

8 (1) the President determines that national secu-
9 rity interests or humanitarian reasons justify such
10 waiver; and

11 (2) at least 15 days before the waiver takes ef-
12 fect, the President consults with the Congress re-
13 garding the proposed waiver and submits to the
14 Congress a report—

15 (A) identifying the country concerned;

16 (B) describing the national security inter-
17 ests or humanitarian reasons which justify the
18 waiver;

19 (C) specifying the imports and exports that
20 will be allowed by the waiver if the waiver is
21 less than a complete lifting of the embargo re-
22 quired by subsection (a); and

23 (D) specifying the period of time during
24 which such waiver will be effective.

25 (d) REPEALS.—

1 (1) AUTHORITY TO BAN IMPORTS.—Section 505
2 of the International Security and Development Co-
3 operation Act of 1985 (relating to the authorization
4 to ban the importation of goods and services from
5 countries supporting terrorism) is repealed.

6 (2) LICENSING REQUIREMENT FOR EXPORTS.—
7 (A) Section 6(j) of the Export Administration Act of
8 1979 (relating to the requirement for validated li-
9 censes and notice to Congress for certain exports to
10 countries supporting international terrorism) is re-
11 pealed.

12 (B) Any reference in any law to a determina-
13 tion made under section 6(j) of the Export Adminis-
14 tration Act of 1979 shall be deemed to be a ref-
15 erence to a determination made under subsection (a)
16 of this section.

17 **SEC. 4. OTHER PROVISIONS RELATING TO STATE SPON-**
18 **SORED TERRORISM.**

19 (a) REPORT.—Concurrent with the publication in the
20 Federal Register pursuant to section 3(b)(2) of this Act,
21 section 620A(b) of the Foreign Assistance Act of 1961,
22 or section 40(e) of the Arms Export Control Act of a de-
23 termination by the Secretary of State that the government
24 of a country has repeatedly provided support for acts of
25 international terrorism, the Secretary shall submit to the

1 Congress a report describing the measures the United
2 States is taking, unilaterally and in concert with other
3 countries, to pressure, both economically and politically,
4 that government to terminate such support.

5 (b) EXAMPLES OF SUPPORT FOR ACTS OF INTER-
6 NATIONAL TERRORISM.—

7 (1) FOREIGN ASSISTANCE ACT.—Section
8 620A(a) of the Foreign Assistance Act of 1961 is
9 amended by adding at the end the following: “For
10 purposes of this section, support for acts of inter-
11 national terrorism includes a situation in which the
12 government of a country knowingly allows an inter-
13 national terrorist organization to operate or main-
14 tain facilities within the country without taking
15 measures to prevent such organization from operat-
16 ing freely.”.

17 (2) ARMS EXPORT CONTROL ACT.—Section
18 40(d) of the Arms Export Control Act is amended
19 by adding at the end the following: “For purposes
20 of this section, support for acts of international ter-
21 rorism includes a situation in which the government
22 of a country knowingly allows an international ter-
23 rorist organization to operate or maintain facilities
24 within the country without taking measures to pre-
25 vent such organization from operating freely.”.

1 **SEC. 5. INTERNATIONAL TERRORISM CONTROL TREATY.**

2 The Congress reaffirms the policy expressed in sec-
3 tion 507 of the International Security and Development
4 Cooperation Act of 1985, which expressed the sense of the
5 Congress that the President should establish a process by
6 which democratic and open societies of the world negotiate
7 a viable treaty to effectively prevent and respond to terror-
8 ist attacks.

9 **SEC. 6. INTERNATIONAL EMBARGO ON IMPORTS FROM**
10 **LIBYA.**

11 The Congress urges the President to seek the partici-
12 pation of other nations in an embargo on imports from
13 Libya.

14 **SEC. 7. REPORT REGARDING INCREASED INTERNATIONAL**
15 **COOPERATION TO COMBAT TERRORISM.**

16 Not later than 180 days after the date of enactment
17 of this Act, the President shall submit to the Congress
18 a report on the implementation of section 201 of the 1984
19 Act to Combat International Terrorism, which urges the
20 President to seek more effective international cooperation
21 in combatting international terrorism and identifies cer-
22 tain cooperative steps that could be taken.

23 **SEC. 8. NUCLEAR TERRORISM.**

24 (a) REAFFIRMATION OF 1986 PROVISIONS.—The
25 Congress reaffirms the necessity of the President taking
26 the actions to combat international nuclear terrorism spec-

1 ified in section 601(a) of the Omnibus Diplomatic Security
2 and Antiterrorism Act of 1986, in particular paragraph
3 (4) of that section which directs the President to seek an
4 agreement in the United Nations Security Council to es-
5 tablish—

6 (1) an effective regime of international sanc-
7 tions against any nation or subnational group which
8 conducts or sponsors acts of international nuclear
9 terrorism; and

10 (2) measures for coordinating responses to all
11 acts of international nuclear terrorism, including
12 measures for the recovery of stolen nuclear material
13 and the clean-up of nuclear releases.

14 (b) ADDITIONAL MEASURES.—The Congress urges
15 the President to seek within the United Nations Security
16 Council whatever additional measures may be necessary
17 to discourage the use of nuclear terrorism.

18 (c) REPORT TO CONGRESS.—Each report submitted
19 pursuant to section 601 of the Nuclear Non-Proliferation
20 Act of 1978 shall include a description of the measures
21 the United States is taking unilaterally, bilaterally, or
22 multilaterally—

23 (1) to curtail the spread of nuclear material
24 and technology to countries whose governments sup-
25 port international terrorism; and

1 (2) to develop a prompt response to nuclear ter-
2 rorist threats.

3 **SEC. 9. IMPROVING THE ABILITY OF UNITED STATES BUSI-**
4 **NESSES TO COUNTER THE THREAT OF KID-**
5 **NAPPING AND OTHER ACTS OF TERRORISM.**

6 (a) ESTABLISHMENT.—Not later than 180 days after
7 the date of enactment of this Act, the President shall es-
8 tablish a Government-Business Antiterrorism Council to
9 study and make recommendations on—

10 (1) additional steps the United States Govern-
11 ment could take to assist United States businesses
12 counter the threat posed by international terrorism;
13 and

14 (2) measures that could be taken by United
15 States businesses to counter the threat posed by
16 international terrorism.

17 (b) MEMBERSHIP.—The membership of the council
18 established pursuant to this section shall include rep-
19 resentatives of the airline industry, the tourism industry,
20 and multinational corporations.

21 (c) SPECIAL FOCUS ON KIDNAPPING FOR RANSOM.—
22 The study conducted pursuant to this section should focus
23 on ways to improve the ability of United States businesses
24 to avoid the kidnapping of business executives abroad by

1 terrorist groups seeking to obtain, through ransom pay-
2 ments, funds for terrorist activities.

3 **SEC. 10. STATE DEPARTMENT COORDINATOR FOR**
4 **COUNTER-TERRORISM.**

5 In any reorganization of the Department of State, the
6 position of Coordinator for Counter-Terrorism, with the
7 rank of Ambassador at Large, shall be retained.

8 **SEC. 11. TERMINATION OF IMET PROGRAM FOR MALTA.**

9 Funds made available for fiscal year 1993 or 1994
10 to carry out chapter 5 of part II of the Foreign Assistance
11 Act of 1961 (relating to the international military edu-
12 cation and training program) may not be obligated for
13 Malta.

14 **SEC. 12. STEPS TO ENCOURAGE EXTENDED TOURS OF**
15 **DUTY FOR GOVERNMENT PERSONNEL IN-**
16 **INVOLVED IN COUNTER-TERRORISM ACTIVI-**
17 **TIES.**

18 In recognition of the long start-up time required for
19 sensitive counter-terrorism work, it is the sense of the
20 Congress that United States Government personnel, both
21 civilian and military, who are assigned counter-terrorism
22 duties and who voluntarily accept extended tours of duty
23 in order to continue to perform counter-terrorism duties
24 should be accorded beneficial consideration for advance-
25 ment after completion of such extended tours of duty.

1 **SEC. 13. DESIGNATION OF FBI AS LEAD AGENCY FOR DO-**
2 **MESTIC COUNTER-TERRORISM.**

3 The Federal Bureau of Investigation shall be the lead
4 agency for coordinating the domestic counter-terrorism ac-
5 tivities of the United States Government.

6 **SEC. 14. DEATH PENALTY FOR TERRORIST ACTS ABROAD**
7 **AGAINST UNITED STATES NATIONALS.**

8 Section 2332(a)(1) of title 18, United States Code,
9 is amended by inserting “, and shall be subject to the pen-
10 alty of death in accordance with the procedures applicable
11 to the imposition of that penalty under section 903(c) of
12 the Federal Aviation Act of 1958 (49 U.S.C. Appendix
13 1473(c)) relating to procedures in respect of aircraft pi-
14 racy penalties” after “so imprisoned”.

15 **SEC. 15. DEATH PENALTY FOR TERRORIST ACTS IN THE**
16 **UNITED STATES.**

17 (a) IN GENERAL.—Chapter 113A of title 18, United
18 States Code, is amended by adding at the end the follow-
19 ing:

20 **“§ 2339. Domestic terrorism**

21 “(a) Whoever commits a terrorist act in or affecting
22 interstate or foreign commerce shall be subject to the
23 death penalty, in accordance with the procedures applica-
24 ble to the imposition of that penalty under section 903(c)
25 of the Federal Aviation Act of 1958 (49 U.S.C. Appendix
26 1473(c)) if death results, and in any other case shall be

1 fined under this title or imprisoned any term of years or
2 for life.

3 “(b) As used in this section, the term ‘terrorist act’
4 means any crime of violence that appears to be intended—

5 “(1) to influence or to be in retaliation for the
6 policy or conduct of a government;

7 “(2) to intimidate or coerce a civilian popu-
8 lation; or

9 “(3) to affect the conduct of a government by
10 assassination or kidnapping.”.

11 (b) CLERICAL AMENDMENTS.—The table of sections
12 at the beginning of chapter 113A of title 18, United States
13 Code, is amended by adding at the end the following:

“2339. Domestic terrorism.”.

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