

104TH CONGRESS  
2D SESSION

# H. R. 3109

To amend the Export Administration Act of 1979 with respect to exports to terrorist countries.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1996

Mr. GEJDENSON introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To amend the Export Administration Act of 1979 with respect to exports to terrorist countries.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That section 6(j) of the Export Administration Act of  
4 1979 (50 U.S.C. App. 2405(j)) is amended to read as fol-  
5 lows:

6       “(j) COUNTRIES SUPPORTING INTERNATIONAL TER-  
7 RORISM.—

8               “(1) PROHIBITION ON EXPORTS.—(A) No ex-  
9 port or reexport described in subparagraph (B) may  
10 be made to any country the government of which the

1 Secretary of State has determined has repeatedly  
2 provided support for acts of international terrorism.

3 “(B) The exports and reexports referred to in  
4 subparagraph (A) are—

5 “(i) of any goods or technology the export  
6 of which is controlled under this Act pursuant  
7 to the Wassenaar Arrangement, the Missile  
8 Technology Control Regime, or the Australia  
9 Group, or controlled under this Act pursuant to  
10 section 309(c) of the Nuclear Non-Proliferation  
11 Act of 1978,

12 “(ii) of any other goods or technology the  
13 export of which is controlled under this Act  
14 pursuant to multilateral export control regimes  
15 in which the United States participates, and

16 “(iii) of any goods or technology which  
17 could make a significant contribution to the  
18 military potential of a country described in sub-  
19 paragraph (A), including its military logistics  
20 capability, or could enhance the ability of such  
21 country to support acts of international terror-  
22 ism,

23 other than food, medicine, or medical supplies that  
24 the President determines will be used only for hu-  
25 manitarian purposes. An individual validated license

1 shall be required for the export under this para-  
2 graph of any such food, medicine, or medical sup-  
3 plies.

4 “(C) Subsections (a)(3) and (b) shall not apply  
5 to exports prohibited or restricted under this sub-  
6 section.

7 “(D)(i) The Secretary shall maintain a list of  
8 goods and technology described in subparagraph  
9 (B)(iii). The Secretary shall review the list of items  
10 on that list at least annually. At the conclusion of  
11 the review, the Secretary shall determine whether to  
12 remove items from the list, change the specifications  
13 of items on the list, or add items to the list, in order  
14 to ensure that the items on the list meet the require-  
15 ments of subparagraph (B)(iii).

16 “(ii) The procedures set forth in section 5(c)(3)  
17 shall apply to reviews under clause (i) of the list of  
18 items described in subparagraph (B)(iii) to the same  
19 extent as such section applies to reviews of the con-  
20 trol list under section 5.

21 “(2) NOTIFICATION OF CONGRESS OF LICENSES  
22 ISSUED.—The Secretary and the Secretary of State  
23 shall notify the Speaker of the House of Representa-  
24 tives and the Committee on Banking, Housing, and  
25 Urban Affairs and the Committee on Foreign Rela-

1 tions of the Senate at least 30 days before issuing  
2 any license under this Act for exports to a country  
3 the government of which the Secretary of State has  
4 determined has repeatedly provided support for acts  
5 of international terrorism.

6 “(3) PUBLICATION OF DETERMINATIONS.—  
7 Each determination of the Secretary of State under  
8 paragraph (1)(A) shall be published in the Federal  
9 Register.

10 “(4) RESCISSION OF DETERMINATIONS.—A de-  
11 termination made by the Secretary of State under  
12 paragraph (1)(A) may not be rescinded unless the  
13 President submits to the Speaker of the House of  
14 Representatives and the chairman of the Committee  
15 on Banking, Housing, and Urban Affairs and the  
16 chairman of the Committee on Foreign Relations of  
17 the Senate—

18 “(A) before the proposed rescission would  
19 take effect, a report certifying that—

20 “(i) there has been a fundamental  
21 change in the leadership and policies of the  
22 government of the country concerned;

23 “(ii) that government is not support-  
24 ing acts of international terrorism; and

1           “(iii) that government has provided  
2           assurances that it will not support acts of  
3           international terrorism in the future; or

4           “(B) at least 45 days before the proposed  
5           rescission would take effect, a report justifying  
6           the rescission and certifying that—

7                   “(i) the government concerned has not  
8                   provided any support for international ter-  
9                   rorism during the preceding 6-month pe-  
10                  riod; and

11                  “(ii) the government concerned has  
12                  provided assurances that it will not sup-  
13                  port acts of international terrorism in the  
14                  future.

15           “(5) WAIVER OF PROHIBITIONS.—The Presi-  
16           dent may waive the prohibitions contained in para-  
17           graph (1)(A) with respect to a specific transaction  
18           if—

19                   “(A) the President determines that the  
20                   transaction is essential to the national security  
21                   interests of the United States; and

22                   “(B) not less than 30 days prior to the  
23                   proposed transaction, the President—

24                           “(i) consults with the Committee on  
25                           International Relations of the House of

1 Representatives and the Committee on  
2 Banking, Housing, and Urban Affairs of  
3 the Senate regarding the proposed trans-  
4 action; and

5 “(ii) submits to the Speaker of the  
6 House of Representatives and the chair-  
7 man of the Committee on Banking, Hous-  
8 ing, and Urban Affairs of the Senate a re-  
9 port containing—

10 “(I) the name of any country in-  
11 volved in the proposed transaction,  
12 the identity of any recipient of the  
13 items to be provided pursuant to the  
14 proposed transaction, and the antici-  
15 pated use of those items;

16 “(II) a description of the items  
17 involved in the proposed transaction  
18 (including their market value) and the  
19 actual sale price at each step in the  
20 transaction;

21 “(III) the reasons why the pro-  
22 posed transaction is essential to the  
23 national security interests of the Unit-  
24 ed States and the justification for the  
25 proposed transaction;

1                   “(IV) the date on which the pro-  
2                   posed transaction is expected to occur;  
3                   and

4                   “(V) the name of every United  
5                   States Government department, agen-  
6                   cy, or other entity involved in the pro-  
7                   posed transaction, and every foreign  
8                   government involved in the proposed  
9                   transaction.

10           To the extent possible, the information specified in  
11           clause (ii) of subparagraph (B) shall be provided in  
12           unclassified form.

13                   “(6) MULTILATERAL REGIMES.—The Secretary  
14                   of State, in consultation with appropriate depart-  
15                   ments and agencies, shall have a continuing duty to  
16                   seek support by other countries and by effective mul-  
17                   tilateral control regimes of controls imposed by this  
18                   subsection.

19                   “(7) EFFECT ON OTHER LAWS.—The provisions  
20                   of this subsection do not affect any other provision  
21                   of law to the extent such other provision imposes  
22                   greater restrictions on exports to any country the  
23                   government of which the Secretary of State has de-  
24                   termined has repeatedly provided support for acts of

1 international terrorism than are imposed under this  
2 subsection.”.

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