

104TH CONGRESS
2D SESSION

H. R. 3109

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1996

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

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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