

OFFICE OF STATE DEPARTMENT COORDINATOR FOR COUNTERTERRORISM

EXISTING U.S. LEGAL AUTHORITIES RELATING TO TERRORISM

A wide range of legislation designed to strengthen the U.S. government's ability to counter international terrorism has been passed by Congress and signed into law by the President since the mid-1970's. The laws include authority to impose economic sanctions against countries which support terrorism and/or provide sanctuary to terrorists.

Other laws are designed to strengthen aviation and maritime security and to bolster the U.S. government's authorities to prosecute international terrorists by making terrorist attacks against Americans overseas a crime punishable in U.S. federal courts. The omnibus crime bill signed into law on September 13, 1994 also contains counterterrorism provisions. The foreign policy-related provisions of the omnibus Antiterrorism And Effective Death Penalty Act of 1996, enacted on April 24, 1996 are described in a separate summary. This document has been updated to contain some cross references to that new law as well as some of the counterterrorism provisions in the Fiscal Year 1997 Omnibus Appropriations Act (P.L. 104-208) enacted on September 30, 1996. *

The Terrorism List: Sanctions

-- The most important counter-terrorism laws affecting economic sanctions are the Anti-Terrorism and Arms Export Amendments Act of 1989 (ATAEAA), (P.L. 101-222, 22 U.S.C.A. §§ 1732, 2364, 3371, 2753, 2776, 2778, 2780 and 50 U.S.C.A. § 2405) and the underlying Export Administration Act of 1979. (EAA) Section 6(j), (Public Law 96-72, 50 U.S.C. App. § 2405 (6)(j)) which authorizes the Secretary of State to designate countries which have "repeatedly provided support for acts of international terrorism." The designations of states supporting terrorism pursuant to Sec. 6 of the 1979 EAA subsequently became known as the "terrorist list."

The 1989 ATAEEA, which was intended to codify earlier sanctions laws passed since the mid-1970's, imposes export controls and bans on military equipment and foreign assistance for terrorism-list countries. In addition to amending the EAA, the ATAEEA also provides for designating terrorist-supporting countries under Sec. 40 of the Arms Export Control Act (22 U.S.C. 2780) and Sec. 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

- Designating a country as a supporter of terrorism under Sec. 6 (j) of the EAA automatically triggers a variety of sanctions under other statutes, such as the Foreign Aid Appropriations Acts (See page 3).
- Countries currently designated are Iraq, Iran, Libya, Syria, Sudan, Cuba and North Korea. (The current list was established when Sudan was added in August, 1993.)

* Provisions in the bill signed Sept. 30 are marked *

- Criteria: Congress gave the Secretary discretion in designating a country as a terrorist-supporting state under the EAA's Sec. 6 (j) and the criteria are not specified in law. However in the legislative history of the ATAEAA, contained in Senate and House committee report language, Congress said the criteria should include but not be limited to whether the country provides terrorists sanctuary from extradition or prosecution; arms, explosives and other lethal substances; logistical support; safe houses or headquarters; planning, training or other assistance for terrorist activities; direct or indirect financial backing; and providing diplomatic facilities such as support or documentation intended to aid or abet terrorist activities. [House Foreign Affairs Committee report 101-296, page 7 and Senate Foreign Relations Committee report 101-173, page 5.]

- Removal: The President may rescind a determination that a country is a supporter of international terrorism if: (A) 45 days in advance, he certifies to Congress that "(1) the country has not provided support for international terrorism during the preceding 6-month period; and (11) the country has provided assurances that it will not support acts of international terrorism in the future, or; (B) the President determines and notifies Congress in advance (no time period specified) that (1) there has been a fundamental shift in the leadership and policies of the country concerned, (11) the government is not supporting acts of international terrorism, and (iii) the government has provided assurances that it will not support acts of international terrorism in the future. This procedure was codified in the 1989 ATAEAA. In October, 1991, Congress added a new provision in the State Department Authorization Act (P.L. 102-138) Sec. 321, requiring that in the case of determinations made pursuant to Sec. 40(d) of the Arms Export Control Act, the proposed rescission cannot take effect if Congress passes a joint resolution of disapproval (which requires the President's signature) within the 45-day notification procedure cited above in (A).

1. Economic Sanctions

- The Export Administration Act (EAA) Sec. 6 (j), as revised by the ATAEAA in 1989, imposes a validated license requirement and requires advance Congressional notification for the export of goods or technology, irrespective of dollar value, when the Secretary of State has determined: (A) that the recipient country "has repeatedly provided support for acts of international terrorism" and (B) such an export "could make a significant contribution" to that country's military potential or "could enhance that country's ability to support acts of international terrorism."

- o Sec. 736 of the Fiscal Year 1994-1995 Foreign Relations Authorization Act (P.L. 103-236, 108 Stat. 382) imposed additional reporting requirements for the export or reexport of dual use items to countries listed under Sec. 6 (j) of the EAA.

- Requirements for validated licenses and other export restrictions on items destined to terrorist-supporting countries are also imposed under Sec. 6 (a) of the EAA. The list of such restrictions is published each January in the Commerce Department's annual report to Congress on foreign policy export controls, but can be revised at any time during the year. The list is also contained in 15 C.F.R. §785. The current controls are technically imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et. seq.) since the Export Administration Act was not renewed in 1990 and 1992.

2. Suspension of Military Sales and Foreign Aid

- The Anti-Terrorism and Arms Export Amendments Act of 1989 also amended the Arms Export Control Act, Sec. 40 (P.L. 90-629, 22 U.S.C. A. § 2780) to prohibit direct or indirect exports of U.S. Munitions List items to countries on the EAA §6 (j) list of terrorist-supporting countries. The law provides civil and criminal penalties, which also apply to U.S. persons overseas or foreign subsidiaries of U.S. firms, for helping a terrorism-list country acquire munitions list items. The arms transaction ban can be waived only if the President provides a detailed report to Congress, including the reasons why the proposed transaction is essential to the national security interests of the U.S.
- The Foreign Assistance Act of 1961 (P.L. 87-195, 22 U.S.C.A. §2371), as amended by the ATAEAA, prohibits any assistance under the Foreign Assistance Act, the Agricultural Trade Development and Assistance Act, and the Peace Corps and Export-Import Bank Acts to countries on the EAA Sec. 6 (j) list of terrorist-supporting countries.
- *-- The Fiscal Year 1997 Omnibus Appropriations Act, Foreign Operations Appropriations Title V, Sec. 522 (P.L. 104-208) extends previous prohibitions against the use of U.S. bilateral aid funds for any country which the President determines: (1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or (2) otherwise supports international terrorism.
 - o Sec. 562(c)(1) of the FY 1993 Foreign Aid Appropriations Act (P.L. 102-393) had applied the same prohibition to assistance through non-governmental organizations.

3. Additional Sanctions Related to EAA

Since the enactment of the 1979 Export Administration Act, Congress has passed laws triggering additional sanctions against countries designated under EAA Sec. 6 (j) as having "repeatedly supported acts of international terrorism."

- The Miscellaneous Trade and Technical Corrections Act of 1996 (P.L. 104-295) amended the Trade Act of 1974, Sec. 502(b) (P.L. 93-618, 19 U.S.C. § 2462 (b)(6)) to require the President to withhold General System of Preferences (GSP) designation as a beneficiary developing country entitled to duty free treatment for a country which is on the terrorism list, as well as a country which "aids or abets" terrorism by granting sanctuary from prosecution to any individual or group which has committed an act of international terrorism. The legislation contains a waiver if the President determines that providing a GSP designation will be in the national economic interest of the United States.

- The FY 1995 Foreign Assistance Appropriations Act, Sec. 528, (P.L. 103-306) directs the U.S. representatives to international financial institutions such as the World Bank to vote against any loans or use of funds for EAA Sec. 6 (j) countries. For the past several years, virtually identical provisions to Secs. 553 and 554 have been included by Congress in the foreign assistance appropriations bills. The FY 1995 law added the International Fund for Agriculture Development to the list of organizations. (Section 327 of the Anti-terrorism and Effective Death Penalty Act of 1996 (P.L. 104-132) enshrines a similar provision in permanent law.)

- Internal Revenue Code (26 U.S.C. § 901 (j)), prohibits U.S. corporations or individuals from claiming foreign tax credits on income earned in 6(j) countries.

- Defense Department Authorization Act of 1987, Sec. 2327, (P.L. 99-500, 10 U.S.C. §2327) requires that bidders on Defense Department contracts of \$100,000 or more must disclose if they or subcontractors are owned or controlled by a Sec. 6 (j) country. Contracts are denied unless determined to be in the U.S. national security interest.

- Sec. 40 of the State Department Basic Authorities Act, as amended by the Omnibus Diplomatic Security and Anti-terrorism Act of 1986, (P.L. 99-399, 22 U.S.C. § 2712) authorizes the Secretary of State to restrict the provision of certain services having a direct military, law enforcement or intelligence application, such as training, to governments of Sec. 6 (j) countries.

- *-- The FY 1997 Omnibus Appropriations Act, Foreign Operations Appropriations Title V, Sec. 551 (P.L. 104-208) prohibits foreign assistance to a nation that provides lethal military equipment to a terrorist list country. The President may waive the prohibition if he notifies Congress that "furnishing such assistance is in the national interest of the United States." Section 326 of the 1996 Antiterrorism Act and Effective Death Penalty Act (P.L. 104-132) incorporates similar language in permanent law.

4. General Authorities

Various sanctions other than export controls, such as bans on financial transactions or travel, can be imposed against countries which are considered to be state supporters of international terrorism although not necessarily designated as such under Sec. 6(j) of the EAA.

- Trading with the Enemy Act (P.L. 95-91, 50 U.S.C.A App. §1 et seq) is the authority used for trade embargoes which were imposed against Cuba and North Korea before they were placed on the terrorism list. The embargoes were continued as part of the anti-terrorism sanctions.
- The International Emergency Economic Powers Act (P.L. 95-223, 50 U.S.C.A. § 1701 et seq) authorizes the President to investigate, regulate or prohibit a wide range of financial transactions with a foreign country or its nationals if the President declares a national emergency to deal with an "unusual and extraordinary threat...to the national security, foreign policy, or economy of the United States." The current Export Administration Act controls are imposed under IEEPA authority because the EAA renewal was not passed in 1990 or 1992.

5. Import Controls

- The International Security and Development Cooperation Act of 1985 (P.L. 99-83 Sec. 505, 22 U.S.C.A. § 2349aa-9) gives the President discretionary authority to restrict or ban imports from any country which the U.S. determines "supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations." The section requires consultations with Congress before invoking the authority and a semi-annual report to Congress.
 - o Sec. 504 of the Act (22 U.S.C.A. §2349aa-8) grants the President authority to ban all imports from and all exports to Libya.
- The Trade Expansion Act of 1969 as amended, Sec. 232, (P.L. 87-794, 19 U.S.C. § 1862(c)) gives the President authority to ban the import of a foreign product if the Secretary of Commerce determines such imports are in such quantities or circumstances as to threaten or impair the national security. The statute has been used to ban Iranian and Libyan oil imports.
 - o Sec. 233 (19. U.S.C. 1864 § 233, amended by Sec. 121 of the Export Administration Amendments Act of 1985 (P.L. 99-43; 99 Stat. 154) grants the President authority to impose controls on the import of goods or technology by any person violating national security export controls imposed under Sec. 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404).

6. Credit, International Bank, Other Restrictions

- The Export-Import Bank Act Sec. 2 (b) (1) as amended (P.L. 79-173, 59 Stat. 526) permits the denial of credit applications if the President determines "such action would clearly and importantly advance United States policy in such areas as international terrorism"
- The International Organizations Act, Sec. 286 (P.L. 95-435, 22 U.S.C. § 286e-11) requires the U.S. Executive Director to the International Monetary Fund to oppose financial or technical assistance to any country which (1) permits entry into its territory of any person who has committed an act of international terrorism, including aircraft hijacking, or otherwise supports, encourages or harbors such a person or (2) fails to take appropriate measures to prevent any such persons from committing any such act outside the territory of such country.
 - o Sec. 262 (d) (a) (2) requires the U.S. to use its "voice and vote" against loans by the World Bank, IDA, International Development Association and regional development banks for countries which provide refugees to aircraft hijackers.
- The FY 1993 Foreign Operations Appropriations Act (P.L. 102-391) Title I, Contribution to the Enterprise of The Americas Multilateral Investment Fund required that the Secretary of the Treasury shall use the "voice and vote" of the United States to require that to be eligible for disbursements from the Fund, a country does not "harbor or sponsor international terrorists," meets other conditions regarding human rights and narcotics control cooperation and has a democratically elected government.
 - o Sec. 594 (a) required that to be eligible for debt reduction under the Enterprise For The Americas Initiative, a country must not have repeatedly provided support for acts of international terrorism and meets similar conditions cited above.

7. Country-Specific Prohibitions

In addition to provisions specifically related to terrorism, legislation has been passed imposing sanctions against specified countries, including some on the terrorism list.

1. Iraq Sanctions Act, Sec. 586f of the FY 1991 Foreign Aid Appropriations Act (P.L. 101-513) classified Iraq by law as a terrorism supporting country -- independent from its designation as such by the Secretary of State -- and imposed export controls and related sanctions.

2. The FY 1995 Foreign Operations Appropriations Act, Sec. 507, (P.L. 103-306) prohibits the direct funding of any assistance or reparations to Cuba, Iraq, Libya, Vietnam, Iran, Serbia, Sudan or Syria.
 - o Sec. 523 prohibits financing of any indirect assistance or reparations to Cuba, Iraq, Libya, Syria, North Korea or the People's Republic of China, unless the President certifies that the withholding of these funds is contrary to the U.S. national interests.
3. The Iran-Iraq Arms Non-Proliferation Act of 1992, Secs. 1604 and 1605 of the FY 1993 Defense Department Authorization Act, (P.L. 102-484) suspends foreign assistance, military and dual use equipment sales and technical agreements with any government, and U.S. government purchases from any government, which knowingly and materially contributes to Iran or Iraq's efforts to acquire destabilizing numbers of advanced conventional weapons. The mandatory sanctions may be waived if the President reports to Congress that doing so is essential to the U.S. national interest.
 - o The Act also applies to Iran the provisions of the Iraq Sanctions Act, FY 1991 Foreign Aid Appropriations Act § 586 (G) (a) (P.L. 101-513), thus prohibiting exports to Iran as well as Iraq of munitions list items and dual use equipment requiring validated licenses.
4. The Iran and Libya Sanctions Act of 1996 (H.R. 3107) requires the President to impose two or more of listed sanctions against companies that make investments of more than \$40 million in developing Iran's or Libya's oil resources, or violate U.N. Security Council sanctions against Libya by providing goods, services or technology which significantly contributes to Libya's ability to acquire chemical, biological or nuclear weapons or destabilizing numbers and types of conventional weapons.

8. Aviation and Maritime Security

These laws are intended to bolster international safety standards and provide for sanctions against offending countries.

- The Federal Aviation Act, Sec. 1115 (P.L. 85-726, 49 U.S.C. App. § 1514) allows the President to suspend air transportation between the U.S. and any foreign state which acts "in a manner inconsistent" with the 1970 Hague anti-hijacking convention or permits territory under its jurisdiction to be used by terrorists for operations, training or sanctuary or arms aids and abets any terrorist organization which "knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy." The President also is authorized to suspend air transportation between the U.S. and any country which maintains air service between itself and such a state.

- International Security and Development Cooperation Act of 1985, Title V--International Terrorism and Foreign Airport Security Act Sec. 551, (P.L. 99-83, 49 U.S.C. App. § 1515 directs the Secretary of Transportation to inspect the security at foreign airports with air links to the U.S. Travel advisories are to be issued if the security is substandard and has not been sufficiently improved after airport authorities were given 90 days notice.
 - o Sec. 552(b) (49 U.S.C. App. § 1515(a)) declares the President shall suspend all assistance under the Foreign Assistance Act or the Arms Export Control Act if the Secretary of State determines the country with the unsafe airport is a high terrorist threat country. A Presidential waiver is provided for national security interests or a humanitarian emergency. Sanctions may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered.
 - o Sec. 551 (e) (2) (49 U.S.C. App. § 1515 (e) (2)) also authorizes the revocation of U.S. landing rights for air carriers continuing to use such airports. The President may prohibit air service with any airport which is directly or indirectly served by aircraft flying to or from the cited airport.
 - o Sec. 551(g) (49 U.S.C. App. § 1515(g)) authorizes the Secretary of Transportation to immediately suspend air service to or from an unsafe airport without notice or a hearing if a condition threatens the safety or security of passengers, aircraft or crew, and the public interest requires immediate suspension.
- The Aviation Security Improvements Act of 1990, (P.L. 101-604) (49 U.S.C. App § 1301) implements many recommendations to improve aviation security and consular affairs assistance suggested by the President's Commission on Aviation Security and Terrorism, which was established after the 1988 bombing of Pan American Flight 103.
- The Omnibus Diplomatic Security and Anti-terrorism Act of 1986, Title IX-Maritime Security, (P.L. 99-399, 46 U.S.C.A. App. §§ 1801-1805) establishes a program for protecting passenger liners against hijacking, including developing International Maritime Organization security standards, the inspection of U.S. and foreign ports and the issuance of travel advisories against unsafe foreign ports.
 - o Sec. 909 (46 U.S.C. App § 1805(a) authorizes the President to suspend passenger vessel service between the U.S. and any foreign nation if the President determines that country permits territory under its jurisdiction to be used to support terrorists or terrorist groups that knowingly use the illegal seizure of passenger vessels or the threat of seizure as an instrument of policy.

9. U.S. Laws Covering Jurisdiction to Prosecute International Terrorist Crimes

- Sec. 120001 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) 18 USC § 2239A, extends the statute of limitations for certain terrorism crimes from 5 years to 8 years.
- The Omnibus Diplomatic Security and Anti-terrorism Act of 1986, Sec. 1202, Extraterritorial Jurisdiction Over Terrorist Acts Abroad Against U.S. Nationals, (P.L. 99-399, 18 U.S.C. § 2332) makes it a U.S. federal crime to murder or attempt to murder or conspire to murder, or to cause serious bodily injury to Americans in terrorist acts overseas which the Attorney General has determined were intended to coerce, intimidate or retaliate against a government or civilian population. This provision has become known as the "Long Arm Statute." Sec. 60022 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) adds a death penalty provision.
- The Comprehensive Crime Control Act of 1984, Sec. 2002, (P.L. 98-473, 18 U.S.C. § 1203) provides federal jurisdiction over the taking of hostages or threatening to detain, kill, or injure any person in order to try to influence government actions or policies. Sec. 2012 (18 U.S.C. §32) implementing the Montreal Convention on Aircraft Sabotage, makes it a federal crime to perform an act of violence against a plane or those on the plane if the aircraft is in the special aircraft jurisdiction of the U.S.* or with regard to any civil aircraft used, operated or employed in interstate, overseas or foreign air commerce.
- The Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons (P.L. 94-467, 18 U.S.C. §§ 112, 116, 878, 1201 (a)(4)) provides federal jurisdiction over assaults upon, threats against, and murders of and/or the kidnapping of U.S. diplomats overseas and other internationally protected persons.
- The Anti-Hijacking Act of 1974 (P.L. 93-366, 49 U.S.C. App. §§ 1472 (1-n)) prohibits the hijacking of aircraft in the special aircraft jurisdiction of the United States* and also provides jurisdiction over the offenders who hijack other civil aircraft engaged in international commerce when such offenders are subsequently found in the United States.

* "Special aircraft jurisdiction of the United States" is defined in 49 U.S.C. §1301 (38) to include U.S. aircraft, any other aircraft within the U.S., aircraft leased to a lessee whose principal place of business or residence is in the U.S., and any other aircraft in flight with a next scheduled destination or last point of departure in the U.S. (if it actually lands in the U.S.) or if it lands in the U.S. with the alleged offenders still on board.

- The Act for the Physical Protection of Nuclear Materials (P.L. 97-351, 18 U.S.C. § 831) provides federal jurisdiction over enumerated misuses of nuclear materials.
- The Biological Weapons Anti-Terrorism Act of 1989 (P.L. 101-298) provides extraterritorial federal jurisdiction and criminal penalties for knowingly helping provide a foreign state or any organization with biological agents or toxins for use as a weapon. The legislation implements the 1975 Convention on the prohibition, production and stockpiling of biological and toxin weapons.
- Civil Remedies Against Terrorism: Title X of P.L. 102-572, an act to implement recommendations of the Federal Courts Study Committee, grants U.S. District Courts jurisdiction to hear civil suits by United States Nationals or their survivors for personal or property injury due to an act of international terrorism outside U.S. territorial jurisdiction.

10. International Conventions and Other Treaties

In addition to the above legislation, the U.S. is a party or signatory to the following international conventions and treaties relating to terrorism and its victims:

- The 1944 Chicago Convention on International Civil Aviation, Annex 17, (embodied in regulations contained in 14 C.F.R. 107-108) deals with international standards for safeguarding civil aircraft;
- The 1963 Tokyo Convention on Offenses and Certain Other Offenses Committed on Board Aircraft; (embodied in P.L. 91-449; 84 Stat. 921);
- The 1970 Hague Convention for the Unlawful Seizure of Aircraft (embodied in U.S. legislation in the Anti-Hijacking Act of 1974, P.L. 93-366, 49 U.S.C. App. §§ 1472 (1-n);
- The 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft (embodied in U.S. legislation in the Comprehensive Crime Control Act of 1984, P.L. 98-473, 18 U.S.C. § 32);
- The 1971 Convention to Prevent and Punish the Acts of Terrorism Taking The Form of Crimes Against Persons and Related Extortion That Are of International Significance, done at Washington, and deposited with the Organization of American States (27 UST 3949; TIAS 8413);
- The 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (embodied in U.S. legislation in 1976 P.L. 94-467, 18 U.S.C. §§ 112, 1116, 878, 1201(a)(4));
- The 1979 Convention Against the Taking of Hostages (embodied in P.L. 98-473 18 U.S.C. § 1203);

- The 1979 Convention on the Physical Protection of Nuclear Materials (U.S. implementing legislation passed in 1982 (P.L. 97-351 18 U.S.C. § 831);
- The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, which supplements the 1971 Montreal Convention on Civil Aviation Safety, signed February, 1988 in Montreal. The U.S. Senate gave its advice and consent to ratification in November, 1989. The implementing legislation was signed into law Sept. 13, 1994 as sec. 60021 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322);
- The 1988 IMO Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (signed in Rome in March, 1988. The U.S. Senate gave its advice and consent to ratification in November, 1989. Implementing legislation was signed into law Sept. 13, 1994 as sec. 60019 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). The U.S. has recently deposited its instruments of ratification.
- The 1991 Convention on the Marking of Plastic Explosives for the Purposes of Detection (signed in Montreal in March, 1991) but not yet in force. The U.S. Senate gave its advice and consent in November, 1993. The implementing legislation was enacted as Title VI of the 1996 Antiterrorism Bill (P.L.-104-132).

11. Miscellaneous Authorities

A. Rewards Program

- Sec. 36 of the State Department Basic Authorities Act, as amended by the 1984 Act to Combat International Terrorism (P.L. 98-533. 22 U.S.C. § 2708) authorizes the Secretary of State to pay rewards of up to \$2 million for information leading to the arrest or conviction of persons committing or conspiring to commit terrorism against a U.S. person or property or information leading to the prevention, frustration or favorable resolution of an act of terrorism against an American person or property. The U.S. airline industry and pilots association have offered matching funds of an additional \$2 million for cases involving U.S. carriers.
 - o Sec. 133 of the FY 1994-1995 Foreign Relations Authorization Act (P.L. 103-236) deletes the requirement that the terrorist action took place primarily outside the territorial jurisdiction of the United States and authorized expenditures of up to \$4 million for during the two fiscal years.

- o Sec.130003 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) establishes a special alien visa category to facilitate relocation of rewards program participants and immediate family members in the United States if necessary for their safety.
- Sec. 101 of the 1984 Act to Combat International Terrorism (P.L. 98-533, 22 U.S.C. § 2708 as amended) authorizes the Attorney General to pay rewards of up to \$500,000 million for information regarding acts of terrorism primarily within the territorial jurisdiction of the United States.
- Sec. 39 of the State Department Basic Authorities Act, as amended by the Omnibus Diplomatic Security and Anti-terrorism Act of 1986, (P.L. 99-399, 22 U.S.C. § 2711) authorizes reimbursements to foreign governments and persons as well as domestic persons and agencies for the protection of judges or other persons who provide assistance or information relating to terrorist incidents overseas.

B. Training

The Foreign Assistance Act, Sec. 8, (P.L. 87-195 22 U.S.C. § 2349aa), as modified, authorizes the Anti-Terrorism Assistance (ATA) training program to help law enforcement personnel of foreign countries improve their ability to deter terrorist attacks.

C. Research and Development

An interagency counter-terrorism research and development program, is conducted under funding initially authorized by the Omnibus Diplomatic Security and Anti-terrorism Act of 1986, (P.L. 99-399, 22 U.S.C. § 2711) and subsequently authorized in the FY 1988-89 Foreign Relations Authorization Act (P.L. 103-236) and current State Department and Defense Department Authorization Acts.

12. Palestine Liberation Organization (PLO)

The "Middle East Peace Facilitation Act of 1994," Sec. 583 of the Foreign Relations Authorization Act of FY 1994-1995 (P.L. 103-236), allows the President to suspend for six month periods, until July, 1995, previously passed prohibitions on assistance to the PLO. The President has exercised his authority to suspend the application of the following provisions on assistance to the PLO:

- Sec. 307 of the Foreign Assistance Act, withholding the U.S. proportionate share for U.N. programs benefiting the PLO or entities associated with it (22 U.S.C. 2227), as amended by Sec. 403 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83; 99 Stat 219).

- Sec. 114 of the FY 1984-1985 Foreign Relations Act (P.L. 98-164) withholding U.S. contributions for various United Nations Special Committees promoting the Palestinian cause or primarily providing benefits to the PLO.
- The Bretton Woods Agreement Act, Sec. 37, (P.L. 79-171, amended in 1980 by P.L. 96-389) declared it the policy of the U.S. to oppose any participation by the PLO in the IMF. This provision may be suspended to the extent that observer or other official status is granted to the PLO.
- Sec. 1003 of the FY 1988-89 Foreign Relations Authorization Act (P.L. 100-204, 22 U.S.C. § 5202), prohibits the maintenance of an office in the U.S. at the behest, direction or with financing from the PLO and prohibits expending PLO funds or receiving anything of value from the PLO except informational material. These provisions cease to have effect if the President certifies in writing that the PLO no longer practices or supports terrorism.

The suspension has been renewed periodically.

Other PLO-related provisions passed by Congress include:

- FY 1990-1991 Foreign Relations Authorization Act, Sec 104 and Title VIII, the PLO COMMITMENTS COMPLIANCE ACT OF 1989 (P.L. 101-246;) and the substantially similar Sec. 527 of the Foreign Assistance Appropriations Act of 1993 (P.L. 102-391) reaffirm and extend earlier legislation, such as Sec. 1302 of the International Security and Development Act of 1985 (P.L. 99-83) specifying that no officer or employee of the U.S. Government or any individual acting on behalf of the U.S. Government shall negotiate with the Palestine Liberation Organization (PLO) unless and until the PLO recognizes Israel's right to exist, accepts U.N. Security Council Resolutions 242 and 338 "and renounces the use of terrorism."
 - o Sec. 104 added a proviso that no funds may be obligated or made available for any dialogue in the current Middle East peace talks with any PLO representative if the President knows and advises Congress that the representative participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of a U.S. citizen.
 - o Sec. 804 requires that in the event talks are held, the Secretary of State shall provide a report to Congress within 30 days and every 120 days thereafter. The report is to include a statement of whether certain PLO constituent organizations have disbanded or are conducting terrorist or other violent activities.

-- FY 1995 Foreign Operations Appropriations Act Sec. 516 (a) (P.L. 103-306) extended previous legislation prohibiting funds provided under the International Organizations Program from being made available for the U.S. proportionate share for any program which is identified under Sec. 307 of the Foreign Assistance Act of 1961 (22 U.S.C. § 307) as benefiting the PLO, Libya, Iran and Cuba. If Sec. 307 is suspended under the Middle East Facilitation Act, however, this provision does not apply to the PLO. Sec. 516 (b) prohibits U.S. funding to the U.N. or affiliated organizations if full membership as a state is granted to any organization or group that does not have the full attributes of statehood.

* -- Sec. 565 of the above Act and Sec. 553 of the FY 1997 Omnibus Appropriations Act (P.L. 104-208) prohibit any funds for assistance to the PLO for the West Bank and Gaza unless the President has exercised the authority under Sec. 583 of the Middle East Peace Facilitation Act or other legislation to suspend the operation of Section 307.

13. Visa Restrictions

-- The Immigration and Naturalization Act of 1990 (P.L. 101-649, 8 U.S.C.A. § 1182(a)(3)(B) requires the U.S. government to deny visas to persons it has reason to believe have taken part in terrorist activities, including raising funds or providing support for terrorist organizations, or are believed to be coming to the U.S. for such purposes. An alien who is an officer, official, representative or spokesman for the PLO is considered for the purposes of this act to be engaged in a terrorist activity. This prohibition may be waived by the Attorney General upon recommendation of the Department of State.

o * The Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132), § 411 further defined representatives of terrorist organizations to include any person who counsels, commands or induces an organization and its members to engage in terrorist activity. Section 411, as later modified by Section 355 of the Immigration title of the FY 1997 Omnibus Appropriations Act (P.L. 104-208) also denies visas to aliens who knew or should have known they are members of terrorist organizations as designated by the Secretary of State.

-- Sec. 127 of FY 1992-93 Foreign Relations Authorization Act (P.L. 102-138) requires the Secretary of State to report to Congress on a timely basis when a visa is denied on terrorism or foreign policy grounds.

-- Sec. 130009 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) increases the penalties to up to 20 years imprisonment for violations by terrorists of Passport and Visa laws (18. U.S.C. §1541-1547).

14. Firearms

The Undetectable Firearms Act of 1988 (P.L. 100-649, 18 U.S.C. §§ 922(p) and 924(f)) prohibits the import, manufacture, sale and shipment for civilian use of handguns which are made of largely non-metallic substances. The act establishes minimum standards for detectability, comparable to a 3.7 ounce piece of stainless steel shaped to resemble a handgun.

15. Reports

- Section 140 of the State Department Authorization Act (P.L. 100-204, 22 U.S.C. 2656f as amended) requires the Department of State to submit to Congress by April 30 of each year an annual report on international terrorism, including a review of terrorism-related activities by other countries. The report is published as Patterns of Global Terrorism.
 - o * Section 578 of the Foreign Operations Section of the FY 1997 Omnibus Appropriations Act of 1996 (P.L. 104-208) requires that the annual Patterns Report include information on foreign government cooperation with the United States in countering international terrorism.
 - o For each country from which the U.S. has sought cooperation during the previous five years, the report is to describe the extent to which that government has cooperated with the United States in apprehending, convicting and punishing the individuals, and the extent to which the foreign government is cooperating in preventing future acts and has cooperated in the previous five years. Some of the information on a country may be submitted in classified form if this would make cooperation more likely.
 - o Although no sanctions are included, this provision should be read in connection with Section 330 of the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132) which requires the President to suspend arms sales to a country which he determines has not fully cooperated with the U.S. Government's antiterrorism efforts.
- Sec. 304 of the FY 1992-1993 State Department Authorization Act (P.L. 102-138) as amended by Sec. 133 of the Foreign Relations Authorization Act for FY 1994-1995 (P.L. 103-236; 108 Stat. 396) requires the Secretary of Treasury, in consultation with the Attorney General and other appropriate investigative agencies, to submit annual reports to Congress on the nature and extent of assets held in the United States by terrorist list countries and organizations engaged in international terrorism.

- Sec. 502 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83, 22 USC 2349 aa-7) requires the Secretary of State to coordinate all U.S. Government assistance to other countries related to international terrorism and submit an annual report by February 1 on assistance provided during the previous fiscal year.

- Sec. 505 of the Omnibus Diplomatic Security and Anti-terrorism Act of 1986, (P.L. 99-399, 22 U.S.C. § 2656e) requires the Secretary of State to promptly notify Congress whenever the Department issues a travel advisory or other public notice for U.S. citizens travelling abroad because of a terrorist threat or other security concern.

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Definitions

There is no single agreed definition of terrorism in U.S. laws and most of the provisions do not contain one. The varying definitions at least partially reflect the fact that they were written by different committees in different time frames and legislative contexts.

-- Although no one definition has gained universal acceptance, the one most generally used by the U.S. Government is that codified in Section 140 of the State Department Authorization Act. P.L. 100-204. 22 U.S.C. 2656f which requires the annual report to Congress, "Patterns of Global Terrorism." Subsection (d) states that for the purpose of the report, (1) the term "international terrorism" means terrorism involving citizens of more than one country; (2) the term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents; and (3) the term "terrorist group: means any group, practicing or which has significant subgroups which practice, international terrorism."

(The term noncombatant in the definition has been interpreted broadly to include military personnel who, at the time of the incident, are not engaged in combat. The U.S. government also considers as acts of terrorism attacks on military installations when a state of military hostilities does not exist, such as bombings against U.S. bases in Europe.)

-- The Foreign Intelligence Surveillance Act (P.L. 95-511; 50 USC 1801(a) describes terrorist organizations as groups engaged in or preparing for international terrorism activities. Subsection (c) defines international terrorism activities as those that (1) involve violent acts or acts dangerous to human life, that are a violation of the criminal laws of the United States or any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; (2) appear to be intended --(A) to intimidate or coerce a civilian population; (B) to influence the policy of a government by intimidation or coercion; or (C) to affect the conduct of a government by assassination or kidnapping; and (3) occur totally outside the United States, or transcend national boundaries...."

-- A portion of the above language is used in what is generally called the "Long Arm Statute," Sec. 1202, "Extraterritorial Jurisdiction Over Terrorist Acts Abroad Against U.S. Nationals," of the Omnibus Diplomatic Security and Anti-terrorism Act of 1986 (P.L. 99-399, 18 U.S.C. § 2332). This provision makes it a U.S. federal crime to murder or attempt to murder or conspire to murder, or to cause serious bodily injury to Americans in terrorist acts abroad if in the best judgment of the Attorney General the offense was "intended to coerce, intimidate or retaliate against a government or civilian population."

-- The Immigration and Naturalization Act of 1990 (P.L.101-649, 8 U.S.C.A. § 1182(a)(3)(B) requires the U.S. government to deny visas to persons it has reason to believe have taken part in terrorist activities. It defines terrorist activities to include raising funds or providing weapons, training or other forms of material support and soliciting membership for terrorist organizations, and assisting preparations for terrorist acts.

The explanatory report of the Senate-House conference committee which drafted the final version of the bill said the conferees consider "terrorist activity" to include but not be limited to conduct prohibited by international conventions relating to terrorism such as the Convention for the Unlawful Seizure of Aircraft, done in the Hague, 1970. The conferees said they consider a "terrorist organization: to be: "One whose leadership, or whose members, with the knowledge approval or acquiescence of the leadership, have taken part in terrorist activities. " The conference report adds that a group may be considered a terrorist organization even if it has not conducted terrorist operations in the past several years, but there is reason to believe it still has the capability and inclination to conduct such operations."

(Congressional Record, October 26, 1990, Page H 13239)

-- The Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), in another approach, does not define terrorism directly, but instead cites U.S. laws implementing various international conventions and treaties regarding terrorism, such as those involving destroying civilian aircraft, hostage taking, and U.S. laws concerning attacks on the President, U.S. cabinet officials, members of Congress or U.S. Government property. See Statue of Limitations, Sec. 120001 which extends the statue of limitations for certain terrorism crimes to 8 years and Material Support, Sec. 120005, which makes it a U.S. Federal offense to provide material support, such as funding and equipment, for specific acts of terrorism as defined by reference to cited laws.