

109TH CONGRESS
2^D SESSION

S. 2566

To provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2006

Mr. LUGAR (for himself and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for coordination of proliferation interdiction activities and conventional arms disarmament, 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 “Cooperative Prolifera-
5 tion Detection, Interdiction Assistance, and Conventional
6 Threat Reduction Act of 2006”.

1 **TITLE I—PROLIFERATION**
2 **ASSISTANCE COORDINATION**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Cooperative Prolifera-
5 tion Detection and Interdiction Assistance Act of 2006”.

6 **SEC. 102. FINDINGS.**

7 Congress makes the following findings:

8 (1) On May 31, 2003, at Wawel Royal Castle,
9 Krakow, Poland, the United States and its allies an-
10 nounced a new effort to fight proliferation called the
11 Proliferation Security Initiative. The Proliferation
12 Security Initiative enhances cooperation among
13 states employing legal means to search planes and
14 ships carrying suspect cargo and to seize illegal
15 weapons or missile technologies to keep the world’s
16 most destructive weapons away from our shores and
17 out of the hands of our common enemies.

18 (2) Since its inception in 2003, more than 70
19 countries have participated in or provided support
20 for the Proliferation Security Initiative.

21 (3) The Proliferation Security Initiative has led
22 to the negotiation of bilateral ship boarding agree-
23 ments designed to facilitate the interdiction of weap-
24 ons of mass destruction and related materials and
25 means of delivery.

1 (4) Security Council Resolution 1540, adopted
2 unanimously by the United Nations Security Council
3 on April 28, 2004, calls on all countries to take co-
4 operative action to prevent trafficking in weapons of
5 mass destruction, related materials, and means of
6 delivery and dual-use items of proliferation concern.

7 (5) Security Council Resolution 1540 provides a
8 basis for developing an internationally accepted
9 practice regarding criminalization of the trafficking
10 of weapons of mass destruction, related materials
11 and means of delivery.

12 (6) The Report of the United Nations Secretary
13 General's High Level Panel on Threats, Challenges,
14 and Change, dated September 23, 2003, found that
15 “[r]ecent experience of the activities of the A.Q.
16 Khan network has demonstrated the need for and
17 the value of measures taken to interdict the illicit
18 and clandestine trade in components for nuclear pro-
19 grams”.

20 (7) The Report also welcomes “the voluntary
21 Proliferation Security Initiative, under which more
22 and more states are cooperating to prevent illicit
23 trafficking in nuclear, biological, and chemical weap-
24 ons”.

1 (8) There have been a number of air, land, and
2 sea interdiction training exercises conducted under
3 the Proliferation Security Initiative.

4 (9) The United States provides foreign assist-
5 ance to many countries participating in the Pro-
6 liferation Security Initiative, including the following
7 types of assistance:

8 (A) International narcotics control under
9 chapter 8 of part I of the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2291 et seq.).

11 (B) Border control assistance under sec-
12 tion 499C of the Foreign Assistance Act of
13 1961 (22 U.S.C. 2296c).

14 (C) Military assistance, education, and
15 training under chapters 2, 3, and 5 of part II
16 of the Foreign Assistance Act of 1961 (22
17 U.S.C. 2291 et seq.).

18 (D) Antiterrorism assistance under chapter
19 8 of part II of the Foreign Assistance Act of
20 1961 (22 U.S.C. 2291 et seq.).

21 (E) Nonproliferation and export control as-
22 sistance under chapter 9 of part II of the For-
23 eign Assistance Act of 1961 (22 U.S.C. 2934bb
24 et seq.).

1 (F) Activities carried out under sections
2 503 and 504 of the FREEDOM Support Act
3 (22 U.S.C. 5853 and 5854).

4 (10) Many countries participating in the Pro-
5 liferation Security Initiative also are provided de-
6 fense articles and services and foreign military sales
7 under the Arms Export Control Act (22 U.S.C.
8 2751 et seq.), a purpose of which, as specified in
9 section 4 of the Act (22 U.S.C. 2754), is to prevent
10 or hinder the proliferation of weapons of mass de-
11 struction and the means of delivering such weapons.

12 (11) Congress has specifically authorized the
13 President to provide countries with proliferation
14 interdiction assistance under chapter 9 of part II of
15 the Foreign Assistance Act of 1961 (22 U.S.C.
16 2394bb et seq.), which provides that—

17 (A) the President should ensure that not
18 less than $\frac{1}{4}$ of the assistance provided under
19 such chapter is expended for the purpose of en-
20 hancing the capabilities of friendly countries to
21 detect and interdict proliferation-related ship-
22 ments of cargo that originate from, and are
23 destined for, other countries; and

24 (B) priority should be given to any friendly
25 country that has been determined by the Sec-

1 retary of State to be a country frequently
2 transited by proliferation-related shipments of
3 cargo.

4 (12) Many executive agencies and departments
5 currently furnish assistance to nations participating
6 in the Proliferation Security Initiative, including the
7 following:

8 (A) Nunn-Lugar/Cooperative Threat Re-
9 duction programs carried out under the Soviet
10 Nuclear Threat Reduction Act of 1991 (title II
11 of Public Law 102–228; 22 U.S.C. 2551 note)
12 and the Cooperative Threat Reduction Act of
13 1993 (title XII of Public Law 103–160; 22
14 U.S.C. 5951 note).

15 (B) Ongoing programs and activities of the
16 Department of Energy authorized under sub-
17 title C of title XXXI of division C of the Ronald
18 W. Reagan National Defense Authorization Act
19 for fiscal year 2005 (Public Law 108–375).

20 (C) Other programs assisting friendly for-
21 eign countries in law enforcement, regulatory,
22 and operational capabilities to enhance the po-
23 tential of such countries in interdicting weapons
24 of mass destruction, related materials and

1 means of delivery, and any dual-use items of
2 proliferation concern.

3 (13) While statutory authority exists to assist
4 friendly foreign countries in meeting the threat
5 posed by the proliferation of weapons of mass de-
6 struction, related materials and means of delivery,
7 and dual-use items of proliferation concern, mecha-
8 nisms for coordinating within the executive branch
9 programs and assistance implemented under those
10 authorities should be employed fully in order to en-
11 sure the most effective use of United States assist-
12 ance to train and equip friendly foreign countries to
13 deal with this threat.

14 **SEC. 103. PROLIFERATION INTERDICTION SUPPORT PRO-**
15 **GRAM.**

16 (a) PROGRAM.—Consistent with section 583 of the
17 Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–2),
18 as amended by subsection (c), the President is authorized
19 to carry out a program to provide assistance to friendly
20 foreign countries for proliferation detection and interdic-
21 tion activities and for developing complementary capabili-
22 ties.

23 (b) REPORT ON EXISTING PROLIFERATION DETEC-
24 TION AND INTERDICTION ASSISTANCE.—

1 (1) REPORT REQUIRED.—Not later than 180
2 days after the date of the enactment of this Act, the
3 President shall submit to the Committee on Foreign
4 Relations of the Senate and the Committee on Inter-
5 national Relations of the House of Representatives
6 a report on proliferation and interdiction assistance.

7 (2) CONTENT.—The report required under
8 paragraph (1) shall—

9 (A) specify in detail, including program
10 cost, on a country-by-country basis, the assist-
11 ance being provided by the Department of State
12 to train and equip personnel in friendly foreign
13 countries in the detection and interdiction of
14 proliferation-related shipments of weapons of
15 mass destruction, related materials and means
16 of delivery, and dual-use items of proliferation
17 concern; and

18 (B) specify, on an agency-by-agency basis,
19 funding that is being transferred by the De-
20 partment of State to other executive agencies to
21 carry out such programs.

22 (c) INTERDICTION ASSISTANCE AMENDMENTS.—Sec-
23 tion 583 of the Foreign Assistance Act of 1961 (22 U.S.C.
24 2349bb–2) is amended—

25 (1) in subsection (a)—

1 (A) by striking “should ensure that” and
2 inserting “shall ensure that, beginning in fiscal
3 year 2007,”;

4 (B) by striking “expended” and inserting
5 “obligated”; and

6 (C) by striking “that originate from, and
7 are destined for, other countries” and inserting
8 “to states and non-state actors of proliferation
9 concern”; and

10 (2) by adding at the end the following new sub-
11 sections:

12 “(c) COOPERATIVE AGREEMENTS.—In order to pro-
13 mote cooperation regarding the interdiction of weapons of
14 mass destruction and related materials and delivery sys-
15 tems, the President is authorized to conclude agreements,
16 including reciprocal maritime agreements, with other
17 countries to facilitate effective measures to prevent the
18 transportation of such items to states and non-state actors
19 of proliferation concern.

20 “(d) DETERMINATION AND NOTICE TO CONGRESS.—
21 The Secretary of State shall notify the Committee on For-
22 eign Relations of the Senate and the Committee on Inter-
23 national Relations of the House of Representatives in writ-
24 ing not more than 30 days after making a determination
25 that any friendly country has been determined to be a

1 country eligible for priority consideration of any assistance
2 under subsection (b). Such determination shall set forth
3 the reasons for such determination, and may be submitted
4 in classified and unclassified form, as necessary.”.

5 (d) FISCAL YEAR 2007 ASSISTANCE.—Not less than
6 $\frac{1}{4}$ of the amount made available for nonproliferation, anti-
7 terrorism, demining and related programs and activities
8 for fiscal year 2007 shall be made available to establish
9 the program under subsection (a), unless otherwise noti-
10 fied for nonproliferation or counterproliferation purposes
11 pursuant to section 634A of the Foreign Assistance Act
12 of 1961 (22 U.S.C. 2394–1).

13 **TITLE II—CONVENTIONAL ARMS** 14 **DISARMAMENT**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Conventional Arms
17 Disarmament Act of 2006”.

18 **SEC. 202. FINDINGS; SENSE OF CONGRESS.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) The global proliferation of man-portable air
22 defense systems (MANPADS) and other conven-
23 tional weapons, including tactical missile systems,
24 poses a direct threat to the national security of the
25 United States.

1 (2) The use of MANPADS and other conven-
2 tional weapons by terrorists and insurgent groups
3 continues to hamper United States efforts to achieve
4 peace and security in Iraq and Afghanistan.

5 (3) The proliferation of conventional weapons,
6 including tactical missile systems, provides many re-
7 gimes with a means of income and threatens inter-
8 national peace and security.

9 (4) The Government Accountability Office has
10 estimated that there are between 500,000 and
11 750,000 MANPADS in the world.

12 (5) Many countries that possess stocks of
13 MANPADS and other conventional weapons, includ-
14 ing tactical missile systems, no longer require such
15 weapons for their own security or self defense, but
16 do not possess the means for the elimination or safe-
17 guarding of such systems.

18 (6) There is currently no single United States
19 program designed to promote efforts in other coun-
20 tries related to conventional arms threat reduction.

21 (7) The proliferation of conventional weapons in
22 developing countries that have experienced civil con-
23 flict threatens political stability and economic devel-
24 opment in those countries and neighboring countries.

1 (8) Land mines left over from past conflicts
2 continue to pose a humanitarian threat and a bar-
3 rier to economic development in many countries
4 around the world.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) where appropriate, the United States Gov-
8 ernment should provide assistance to countries seek-
9 ing to secure, remove, or eliminate stocks of
10 MANPADS, other conventional weapons, including
11 tactical missile systems that pose a proliferation
12 threat; and

13 (2) given the clear links between global net-
14 works of terrorism and networks of the illicit trade
15 in conventional weapons, the United States Govern-
16 ment should place consistent, broad, and continued
17 emphasis on combating the proliferation of
18 MANPADS and other conventional weapons, includ-
19 ing tactical missile systems, within the broader non-
20 proliferation strategy of the United States.

21 **SEC. 203. STATEMENT OF POLICY.**

22 It is the policy of the United States to assist the gov-
23 ernments of other countries in safeguarding or eliminating
24 stocks of MANPADS and other conventional weapons, in-

1 cluding tactical missile systems, that pose a proliferation,
2 local or regional security, or humanitarian threat.

3 **SEC. 204. GLOBAL PROGRAM FOR THE SAFEGUARDING AND**
4 **ELIMINATION OF CONVENTIONAL ARMS.**

5 (a) IN GENERAL.—The Secretary of State is author-
6 ized to carry out an accelerated global program to secure,
7 remove, or eliminate stocks of MANPADS, small arms
8 and light weapons, stockpiled munitions, abandoned ord-
9 nance, and other conventional weapons, including tactical
10 missile systems (hereafter in this Act referred to as
11 “MANPADS and other conventional weapons”), as well
12 as related equipment and facilities, that are determined
13 by the Secretary to pose a proliferation threat.

14 (b) PROGRAM ELEMENTS.—The program authorized
15 under subsection (a) may include the following activities:

16 (1) Humanitarian demining activities.

17 (2) Programs for the elimination or securing of
18 MANPADS.

19 (3) Programs for the elimination or securing of
20 other conventional weapons.

21 (4) Programs to assist countries in the safe
22 handling and proper storage of MANPADS and
23 other conventional weapons.

24 (5) Cooperative programs with the North Atlan-
25 tic Treaty Organization and other international or-

1 organizations to assist countries in the safe handling
2 and proper storage or elimination of MANPADS
3 and other conventional weapons.

4 (6) The utilization of funds for the elimination
5 or safeguarding of MANPADS and other conven-
6 tional weapons.

7 (7) Programs for the security and safeguarding
8 of MANPADS and other conventional weapons.

9 (8) Actions to ensure that equipment and
10 funds, including security upgrades at locations for
11 the storage or disposition of MANPADS and other
12 conventional weapons and related equipment that
13 are determined by the Secretary of State to pose a
14 proliferation threat, continue to be used for author-
15 ized purposes.

16 **SEC. 205. REPORT ON CONVENTIONAL ARMS THREAT RE-**
17 **DUCTION.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of State
20 shall submit to the Committees on Foreign Relations and
21 Appropriations of the Senate and the Committees on
22 International Relations and Appropriations of the House
23 of Representatives a report on conventional arms threat
24 reduction.

1 (b) CONTENT.—The report required under subsection
2 (a) shall include the following information:

3 (1) A description of prior efforts of the Depart-
4 ment of State regarding conventional arms threat
5 reduction.

6 (2) A description, on a country-by-country
7 basis, of the implementation of a global strategy for
8 the elimination or safeguarding of MANPADS and
9 other conventional weapons, including, to the extent
10 possible, a prioritization of such elimination and
11 safeguarding efforts with respect to the proliferation
12 sensitivity of such weapons in each country and their
13 potential impact on local and regional security.

14 (3) An evaluation of the extent to which activi-
15 ties under this title and other United States Govern-
16 ment programs are integrated to ensure that the
17 conventional arms threat reduction efforts of the
18 United States are consistent with United States pol-
19 icy and goals in countries receiving assistance
20 through such activities.

21 (4) A description of the scope and nature of
22 other complementary United States programs re-
23 lated to conventional arms threat reduction, includ-
24 ing tactical missile systems.

1 (c) FORM.—The report required under subsection (a)
 2 shall be in unclassified form, but may contain a classified
 3 annex.

4 **TITLE III—GENERAL**
 5 **AUTHORITIES**

6 **SEC. 301. PERMANENT AUTHORITY FOR THE NON-**
 7 **PROLIFERATION, ANTI-TERRORISM,**
 8 **DIMINING, AND RELATED PROGRAMS AC-**
 9 **COUNT.**

10 The Foreign Assistance Act of 1961 (22 U.S.C. 2151
 11 et seq.) is amended by adding at the end of part II the
 12 following new chapter:

13 **“CHAPTER 10—AUTHORIZATION FOR NON-**
 14 **PROLIFERATION, ANTI-TERRORISM,**
 15 **DEMINEING, AND RELATED PROGRAMS.**

16 **“SEC. 591. CONSOLIDATED ACCOUNT AUTHORIZATION.**

17 “(a) AUTHORITY.—The President is authorized to es-
 18 tablish a consolidated Nonproliferation, Anti-Terrorism,
 19 Demining, and Related Programs Account for the purpose
 20 of carrying out nonproliferation, anti-terrorism, demining,
 21 and related programs and activities under—

22 “(1) chapter 8 of part II of this Act;

23 “(2) chapter 9 of part II of this Act;

24 “(3) chapter 6 of part II of this Act and section

25 23 of the Arms Export Control Act (22 U.S.C.

1 2763) for demining activities, clearance of
2 unexploded ordnance, the destruction of small arms
3 and light weapons, other conventional weapons, asso-
4 ciated ammunition, and related activities, except
5 that, notwithstanding any other provision of law, ac-
6 tivities may be implemented through nongovern-
7 mental and international organizations, and related
8 activities;

9 “(4) section 504 of the FREEDOM Support
10 Act (22 U.S.C. 5854) for programs under the Non-
11 proliferation and Disarmament Fund to promote bi-
12 lateral and multilateral activities relating to non-
13 proliferation and disarmament and related activities,
14 notwithstanding any other provision of law, includ-
15 ing, when in the national security interests of the
16 United States, assistance for international organiza-
17 tions and countries other than the independent
18 states of the former Soviet Union; and

19 “(5) section 301 of this Act.”.

20 **SEC. 302. FUNDING ALLOCATIONS FOR FISCAL YEAR 2007.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
22 are authorized to be appropriated to the President for fis-
23 cal year 2007 \$524,430,000 and such sums as may be
24 necessary for each fiscal year thereafter for the consoli-
25 dated Nonproliferation, Anti-Terrorism, Demining, and

1 Related Programs authorized by section 591 of the For-
2 eign Assistance Act of 1961, as added by section 301, for
3 the purpose of carrying out nonproliferation, anti-ter-
4 rorism, demining, and related programs and activities.

5 (b) SPECIFICATION OF CERTAIN AMOUNTS.—Of the
6 amount authorized to be appropriated under subsection
7 (a) for fiscal year 2007, the following amounts are author-
8 ized to be appropriated for the following purposes:

9 (1) Not less than \$95,050,000 to carry out ac-
10 tivities under chapter 9 of part II of the Foreign As-
11 sistance Act of 1961 (22 U.S.C. 2349bb et seq.);

12 (2) Not less than \$33,600,000 to carry out ac-
13 tivities under chapter 6 of part II of the Foreign As-
14 sistance Act of 1961 (22 U.S.C. 2349bb et seq.),
15 and section 23 of the Arms Export Control Act (22
16 U.S.C. 2763), for clearance of unexploded ordnance,
17 the destruction of small arms and light weapons,
18 MANPADS, and other conventional weapons, includ-
19 ing tactical missile systems and associated ammuni-
20 tion, and related activities. Such activities may be
21 implemented through nongovernmental and inter-
22 national organizations notwithstanding any other
23 provision of law.

1 (c) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated under subsection (a) are authorized to remain
3 available until September 30, 2008.

4 (d) ADMINISTRATIVE EXPENSES.—There are author-
5 ized to be appropriated such sums as may be necessary
6 for administrative expenses related to activities under sub-
7 section (b)(2). Such amount shall be in addition to funds
8 otherwise made available for such purposes.

9 (e) AMOUNTS IN ADDITION TO OTHER AUTHORIZED
10 FUNDS.—Amounts authorized to be appropriated under
11 this section and section 301 are in addition to amounts
12 otherwise available for such purposes.

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