

Calendar No. 456109TH 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, Mr. OBAMA, Mr. COCHRAN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. SUNUNU, Mr. ISAKSON, Mr. CHAFEE, Mr. MARTINEZ, Mr. ALLEN, Ms. MURKOWSKI, Mr. HAGEL, Mr. COLEMAN, Mr. LEVIN, Mr. LEAHY, Mr. REID, Mr. BAYH, and Mr. CHAMBLISS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

MAY 25, 2006

Reported by Mr. LUGAR, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cooperative Prolifera-
3 tion Detection, Interdiction Assistance, and Conventional
4 Threat Reduction Act of 2006”.

5 **TITLE I—PROLIFERATION**
6 **ASSISTANCE COORDINATION**

7 **SEC. 101. SHORT TITLE.**

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

10 **SEC. 102. FINDINGS.**

11 Congress makes the following findings:

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

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

25 (3) The Proliferation Security Initiative has led
26 to the negotiation of bilateral ship boarding agree-

1 ments designed to facilitate the interdiction of weap-
2 ons of mass destruction and related materials and
3 means of delivery.

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

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

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

23 (7) The Report also welcomes “the voluntary
24 Proliferation Security Initiative, under which more
25 and more states are cooperating to prevent illicit

1 trafficking in nuclear, biological, and chemical weap-
2 ons”.

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

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

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

13 (B) Border control assistance under sec-
14 tion 499C of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2296c).

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

20 (D) Antiterrorism assistance under chapter
21 8 of part II of the Foreign Assistance Act of
22 1961 (22 U.S.C. 2291 et seq.).

23 (E) Nonproliferation and export control as-
24 sistance under chapter 9 of part II of the For-

1 eign Assistance Act of 1961 (22 U.S.C. 2034bb
2 et seq.).

3 (F) Activities carried out under sections
4 503 and 504 of the FREEDOM Support Act
5 (22 U.S.C. 5853 and 5854).

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

14 (11) Congress has specifically authorized the
15 President to provide countries with proliferation
16 interdiction assistance under chapter 9 of part H of
17 the Foreign Assistance Act of 1961 (22 U.S.C.
18 2394bb et seq.); which provides that—

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

1 ~~(B)~~ priority should be given to any friendly
2 country that has been determined by the Sec-
3 retary of State to be a country frequently
4 transited by proliferation-related shipments of
5 cargo.

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

10 ~~(A)~~ Nunn-Lugar/Cooperative Threat Re-
11 duction programs carried out under the Soviet
12 Nuclear Threat Reduction Act of 1991 (title II
13 of Public Law 102-228; 22 U.S.C. 2551 note)
14 and the Cooperative Threat Reduction Act of
15 1993 (title XII of Public Law 103-160; 22
16 U.S.C. 5951 note).

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

22 ~~(C)~~ Other programs assisting friendly for-
23 eign countries in law enforcement, regulatory,
24 and operational capabilities to enhance the po-
25 tential of such countries in interdicting weapons

1 of mass destruction, related materials and
2 means of delivery, and any dual-use items of
3 proliferation concern.

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

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

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

24 (b) REPORT ON EXISTING PROLIFERATION DETEC-
25 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 “(e) 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 eluding 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 (e) 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 **DEMING, 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 **DEMING, 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 (e) ~~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.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Cooperative Prolifera-*
 15 *tion Detection, Interdiction Assistance, and Conventional*
 16 *Threat Reduction Act of 2006”.*

17 **TITLE I—PROLIFERATION**
 18 **ASSISTANCE COORDINATION**

19 **SEC. 101. SHORT TITLE.**

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

22 **SEC. 102. FINDINGS.**

23 *Congress makes the following findings:*

24 (1) *On May 31, 2003, at Wawel Royal Castle,*
 25 *Krakow, Poland, the United States and its allies an-*

1 *nounced a new effort to fight proliferation called the*
2 *Proliferation Security Initiative. The Proliferation*
3 *Security Initiative enhances cooperation among states*
4 *employing legal means to search planes and ships*
5 *carrying suspect cargo and to seize illegal weapons or*
6 *missile technologies to keep the world's most destruc-*
7 *tive weapons away from our shores and out of the*
8 *hands of our common enemies.*

9 *(2) Since its inception in 2003, more than 70*
10 *countries have participated in or provided support*
11 *for the Proliferation Security Initiative.*

12 *(3) The Proliferation Security Initiative has led*
13 *to the negotiation of bilateral ship boarding agree-*
14 *ments designed to facilitate the interdiction of weap-*
15 *ons of mass destruction and related materials and*
16 *means of delivery.*

17 *(4) Security Council Resolution 1540, adopted*
18 *unanimously by the United Nations Security Council*
19 *on April 28, 2004, calls on all countries to take coop-*
20 *erative action to prevent trafficking in weapons of*
21 *mass destruction, related materials, and means of de-*
22 *livery and dual-use items of proliferation concern.*

23 *(5) Security Council Resolution 1540 provides a*
24 *basis for developing an internationally accepted prac-*
25 *tice regarding criminalization of the trafficking of*

1 *weapons of mass destruction, related materials and*
2 *means of delivery.*

3 (6) *The Report of the United Nations Secretary*
4 *General’s High Level Panel on Threats, Challenges,*
5 *and Change, dated September 23, 2003, found that*
6 *“[r]ecent experience of the activities of the A.Q. Khan*
7 *network has demonstrated the need for and the value*
8 *of measures taken to interdict the illicit and clandest-*
9 *ine trade in components for nuclear programs”.*

10 (7) *The Report also welcomes “the voluntary*
11 *Proliferation Security Initiative, under which more*
12 *and more states are cooperating to prevent illicit traf-*
13 *ficking in nuclear, biological, and chemical weapons”.*

14 (8) *There have been a number of air, land, and*
15 *sea interdiction training exercises conducted under*
16 *the Proliferation Security Initiative.*

17 (9) *The United States provides foreign assistance*
18 *to many countries participating in the Proliferation*
19 *Security Initiative, including the following types of*
20 *assistance:*

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

1 (B) *Border control assistance under section*
2 *499C of the Foreign Assistance Act of 1961 (22*
3 *U.S.C. 2296c).*

4 (C) *Military assistance, education, and*
5 *training under chapters 2, 3, and 5 of part II*
6 *of the Foreign Assistance Act of 1961 (22 U.S.C.*
7 *2291 et seq.).*

8 (D) *Antiterrorism assistance under chapter*
9 *8 of part II of the Foreign Assistance Act of*
10 *1961 (22 U.S.C. 2291 et seq.).*

11 (E) *Nonproliferation and export control as-*
12 *sistance under chapter 9 of part II of the For-*
13 *oreign Assistance Act of 1961 (22 U.S.C. 2934bb et*
14 *seq.).*

15 (F) *Activities carried out under sections*
16 *503 and 504 of the FREEDOM Support Act (22*
17 *U.S.C. 5853 and 5854).*

18 (10) *Many countries participating in the Pro-*
19 *liferation Security Initiative also are provided defense*
20 *articles and services and foreign military sales under*
21 *the Arms Export Control Act (22 U.S.C. 2751 et seq.),*
22 *a purpose of which, as specified in section 4 of the*
23 *Act (22 U.S.C. 2754), is to prevent or hinder the pro-*
24 *liferation of weapons of mass destruction and the*
25 *means of delivering such weapons.*

1 (11) *Congress has specifically authorized the*
2 *President to provide countries with proliferation*
3 *interdiction assistance under chapter 9 of part II of*
4 *the Foreign Assistance Act of 1961 (22 U.S.C. 2394bb*
5 *et seq.), which provides that—*

6 (A) *the President should ensure that not less*
7 *than 1/4 of the assistance provided under such*
8 *chapter is expended for the purpose of enhancing*
9 *the capabilities of friendly countries to detect*
10 *and interdict proliferation-related shipments of*
11 *cargo that originate from, and are destined for,*
12 *other countries; and*

13 (B) *priority should be given to any friendly*
14 *country that has been determined by the Sec-*
15 *retary of State to be a country frequently*
16 *transited by proliferation-related shipments of*
17 *cargo.*

18 (12) *Many executive agencies and departments*
19 *currently furnish assistance to nations participating*
20 *in the Proliferation Security Initiative, including the*
21 *following:*

22 (A) *Nunn-Lugar/Cooperative Threat Reduc-*
23 *tion programs carried out under the Soviet Nu-*
24 *clear Threat Reduction Act of 1991 (title II of*
25 *Public Law 102–228; 22 U.S.C. 2551 note) and*

1 *the Cooperative Threat Reduction Act of 1993*
2 *(title XII of Public Law 103–160; 22 U.S.C.*
3 *5951 note).*

4 *(B) Ongoing programs and activities of the*
5 *Department of Energy authorized under subtitle*
6 *C of title XXXI of division C of the Ronald W.*
7 *Reagan National Defense Authorization Act for*
8 *fiscal year 2005 (Public Law 108–375).*

9 *(C) Other programs assisting friendly for-*
10 *ign countries in law enforcement, regulatory,*
11 *and operational capabilities to enhance the po-*
12 *tential of such countries in interdicting weapons*
13 *of mass destruction, related materials and means*
14 *of delivery, and any dual-use items of prolifera-*
15 *tion concern.*

16 *(13) While statutory authority exists to assist*
17 *friendly foreign countries in meeting the threat posed*
18 *by the proliferation of weapons of mass destruction,*
19 *related materials and means of delivery, and dual-use*
20 *items of proliferation concern, mechanisms for coordi-*
21 *nating within the executive branch programs and as-*
22 *sistance implemented under those authorities should*
23 *be employed fully in order to ensure the most effective*
24 *use of United States assistance to train and equip*
25 *friendly foreign countries to deal with this threat.*

1 **SEC. 103. PROLIFERATION INTERDICTION SUPPORT PRO-**
2 **GRAM.**

3 (a) *PROGRAM.*—Consistent with section 583 of the For-
4 eign Assistance Act of 1961 (22 U.S.C. 2349bb–2), as
5 amended by subsection (c), the President is authorized to
6 carry out a program to provide assistance to friendly for-
7 eign countries for proliferation detection and interdiction
8 activities and for developing complementary capabilities.

9 (b) *REPORT ON EXISTING PROLIFERATION DETECTION*
10 *AND INTERDICTION ASSISTANCE.*—

11 (1) *REPORT REQUIRED.*—Not later than 180
12 days after the date of the enactment of this Act, the
13 President shall submit to the Committee on Foreign
14 Relations of the Senate and the Committee on Inter-
15 national Relations of the House of Representatives a
16 report on proliferation and interdiction assistance.

17 (2) *CONTENT.*—The report required under para-
18 graph (1) shall—

19 (A) specify in detail, including program
20 cost, on a country-by-country basis, the assist-
21 ance being provided by the Department of State
22 to train and equip personnel in friendly foreign
23 countries in the detection and interdiction of
24 proliferation-related shipments of weapons of
25 mass destruction, related materials and means of

1 *delivery, and dual-use items of proliferation con-*
2 *cern; and*

3 *(B) specify, on an agency-by-agency basis,*
4 *funding that is being transferred by the Depart-*
5 *ment of State to other executive agencies to carry*
6 *out such programs.*

7 *(c) INTERDICTION ASSISTANCE AMENDMENTS.—Sec-*
8 *tion 583 of the Foreign Assistance Act of 1961 (22 U.S.C.*
9 *2349bb–2) is amended—*

10 *(1) in subsection (a)—*

11 *(A) by striking “should ensure that” and*
12 *inserting “shall ensure that, beginning in fiscal*
13 *year 2007,”;*

14 *(B) by striking “expended” and inserting*
15 *“obligated”; and*

16 *(C) by striking “that originate from, and*
17 *are destined for, other countries” and inserting*
18 *“to non-state actors and states of proliferation*
19 *concern”; and*

20 *(2) by adding at the end the following new sub-*
21 *sections:*

22 *“(c) COOPERATIVE AGREEMENTS.—In order to pro-*
23 *mote cooperation regarding the interdiction of weapons of*
24 *mass destruction and related materials and delivery sys-*
25 *tems, the President is authorized to conclude agreements,*

1 *including reciprocal maritime agreements, with other coun-*
2 *tries to facilitate effective measures to prevent the transpor-*
3 *tation of such items to non-state actors and states of pro-*
4 *liferation concern.*

5 “(d) *DETERMINATION AND NOTICE TO CONGRESS.—*
6 *The Secretary of State shall notify the Committee on For-*
7 *eign Relations of the Senate and the Committee on Inter-*
8 *national Relations of the House of Representatives in writ-*
9 *ing not more than 30 days after making a determination*
10 *that any friendly country has been determined to be a coun-*
11 *try eligible for priority consideration of any assistance*
12 *under subsection (a). Such determination shall set forth the*
13 *reasons for such determination, and may be submitted in*
14 *classified and unclassified form, as necessary.”.*

15 “(d) *FISCAL YEAR 2007 ASSISTANCE.—Not less than 1/4*
16 *of the amount made available for nonproliferation, anti-*
17 *terrorism, demining and related programs and activities*
18 *for fiscal year 2007 shall be made available to establish the*
19 *program under subsection (a), unless otherwise notified for*
20 *nonproliferation or counterproliferation purposes pursuant*
21 *to section 634A of the Foreign Assistance Act of 1961 (22*
22 *U.S.C. 2394–1).*

1 **TITLE II—CONVENTIONAL ARMS**
2 **DISARMAMENT**

3 **SEC. 201. SHORT TITLE.**

4 *This title may be cited as the “Conventional Arms Dis-*
5 *armament Act of 2006”.*

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

7 *(a) FINDINGS.—Congress makes the following findings:*

8 *(1) The global proliferation of man-portable air*
9 *defense systems (MANPADS) and other conventional*
10 *weapons, including tactical missile systems, poses a*
11 *direct threat to the national security of the United*
12 *States.*

13 *(2) The use of MANPADS and other conven-*
14 *tional weapons by terrorists and insurgent groups*
15 *continues to hamper United States efforts to achieve*
16 *peace and security in Iraq and Afghanistan.*

17 *(3) The proliferation of conventional weapons,*
18 *including tactical missile systems, provides many re-*
19 *gimes with a means of income and threatens inter-*
20 *national peace and security.*

21 *(4) The Government Accountability Office has es-*
22 *timated that there are between 500,000 and 750,000*
23 *MANPADS in the world.*

24 *(5) Many countries that possess stocks of*
25 *MANPADS and other conventional weapons, includ-*

1 *ing tactical missile systems, no longer require such*
2 *weapons for their own security or self defense, but do*
3 *not possess the means for the elimination or safe-*
4 *guarding of such systems.*

5 *(6) There is currently no single United States*
6 *program designed to promote efforts in other countries*
7 *related to conventional arms threat reduction.*

8 *(7) The proliferation of conventional weapons in*
9 *developing countries that have experienced civil con-*
10 *flict threatens political stability and economic devel-*
11 *opment in those countries and neighboring countries.*

12 *(8) Land mines left over from past conflicts con-*
13 *tinue to pose a humanitarian threat and a barrier to*
14 *economic development in many countries around the*
15 *world.*

16 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
17 *that—*

18 *(1) where appropriate, the United States Govern-*
19 *ment should provide assistance to countries seeking to*
20 *secure, remove, or eliminate stocks of MANPADS and*
21 *other conventional weapons, including tactical missile*
22 *systems that pose a proliferation threat; and*

23 *(2) given the clear links between global networks*
24 *of terrorism and networks of the illicit trade in con-*
25 *ventional weapons, the United States Government*

1 *should place consistent, broad, and continued empha-*
2 *sis on combating the proliferation of MANPADS and*
3 *other conventional weapons, including tactical missile*
4 *systems, within the broader nonproliferation strategy*
5 *of the United States.*

6 **SEC. 203. STATEMENT OF POLICY.**

7 *It is the policy of the United States to assist the gov-*
8 *ernments of other countries in safeguarding or eliminating*
9 *stocks of MANPADS and other conventional weapons, in-*
10 *cluding tactical missile systems, that pose a proliferation,*
11 *local or regional security, or humanitarian threat.*

12 **SEC. 204. GLOBAL PROGRAM FOR THE SAFEGUARDING AND**
13 **ELIMINATION OF CONVENTIONAL ARMS.**

14 *(a) IN GENERAL.—The Secretary of State is author-*
15 *ized to carry out an accelerated global program to secure,*
16 *remove, or eliminate stocks of MANPADS, small arms and*
17 *light weapons, stockpiled munitions, abandoned ordnance,*
18 *and other conventional weapons, including tactical missile*
19 *systems (hereafter in this Act referred to as “MANPADS*
20 *and other conventional weapons”), as well as related equip-*
21 *ment and facilities, that are determined by the Secretary*
22 *to pose a proliferation threat.*

23 *(b) PROGRAM ELEMENTS.—The program authorized*
24 *under subsection (a) may include the following activities:*

25 (1) *Humanitarian demining activities.*

1 (2) *Programs for the elimination or securing of*
2 *MANPADS.*

3 (3) *Programs for the elimination or securing of*
4 *other conventional weapons.*

5 (4) *Programs to assist countries in the safe han-*
6 *dling and proper storage of MANPADS and other*
7 *conventional weapons.*

8 (5) *Cooperative programs with the North Atlan-*
9 *tic Treaty Organization and other international orga-*
10 *nizations to assist countries in the safe handling and*
11 *proper storage or elimination of MANPADS and*
12 *other conventional weapons.*

13 (6) *The utilization of funds for the elimination*
14 *or safeguarding of MANPADS and other conventional*
15 *weapons.*

16 (7) *Programs for the security and safeguarding*
17 *of MANPADS and other conventional weapons.*

18 (8) *Actions to ensure that equipment and funds,*
19 *including security upgrades at locations for the stor-*
20 *age or disposition of MANPADS and other conven-*
21 *tional weapons and related equipment that are deter-*
22 *mined by the Secretary of State to pose a prolifera-*
23 *tion threat, continue to be used for authorized pur-*
24 *poses.*

1 **SEC. 205. REPORT ON CONVENTIONAL ARMS THREAT RE-**
2 **DUCTION.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of State
5 shall submit to the Committees on Foreign Relations and
6 Appropriations of the Senate and the Committees on Inter-
7 national Relations and Appropriations of the House of
8 Representatives a report on conventional arms threat reduc-
9 tion.

10 (b) *CONTENT.*—The report required under subsection
11 (a) shall include the following information:

12 (1) A description of prior efforts of the Depart-
13 ment of State regarding conventional arms threat re-
14 duction.

15 (2) A description, on a country-by-country basis,
16 of the implementation of a global strategy for the
17 elimination or safeguarding of MANPADS and other
18 conventional weapons, including, to the extent pos-
19 sible, a prioritization of such elimination and safe-
20 guarding efforts with respect to the proliferation sen-
21 sitivity of such weapons in each country and their
22 potential impact on local and regional security.

23 (3) An evaluation of the extent to which activi-
24 ties under this title and other United States Govern-
25 ment programs are integrated to ensure that the con-
26 ventional arms threat reduction efforts of the United

1 *States are consistent with United States policy and*
 2 *goals in countries receiving assistance through such*
 3 *activities.*

4 *(4) A description of the scope and nature of other*
 5 *complementary United States programs related to*
 6 *conventional arms threat reduction, including tactical*
 7 *missile systems.*

8 *(c) FORM.—The report required under subsection (a)*
 9 *shall be in unclassified form, but may contain a classified*
 10 *annex.*

11 **TITLE III—GENERAL**
 12 **AUTHORITIES**

13 **SEC. 301. PERMANENT AUTHORITY FOR THE NON-**
 14 **PROLIFERATION, ANTI-TERRORISM,**
 15 **DEMINING, AND RELATED PROGRAMS AC-**
 16 **COUNT.**

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

20 **“CHAPTER 10—AUTHORIZATION FOR NON-**
 21 **PROLIFERATION, ANTI-TERRORISM,**
 22 **DEMINING, AND RELATED PROGRAMS.**

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

24 **“(a) AUTHORITY.—The President is authorized to es-**
 25 **tablish a consolidated Nonproliferation, Anti-Terrorism,**

1 *Demining, and Related Programs Account for the purpose*
2 *of carrying out nonproliferation, anti-terrorism, demining,*
3 *and related programs and activities under—*

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

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

6 “(3) chapter 6 of part II of this Act and section
7 *23 of the Arms Export Control Act (22 U.S.C. 2763)*
8 *for demining activities, clearance of unexploded ord-*
9 *nance, the destruction of small arms and light weap-*
10 *ons, other conventional weapons, associated ammuni-*
11 *tion, and related activities, notwithstanding any*
12 *other provision of law, except that activities may be*
13 *implemented through nongovernmental and inter-*
14 *national organizations, and related activities;*

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

25 “(5) section 301 of this Act.”.

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

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
3 *authorized to be appropriated to the President for fiscal*
4 *year 2007 \$524,430,000 and such sums as may be necessary*
5 *for each fiscal year thereafter for the consolidated Non-*
6 *proliferation, Anti-Terrorism, Demining, and Related Pro-*
7 *grams authorized by section 591 of the Foreign Assistance*
8 *Act of 1961, as added by section 301, for the purpose of*
9 *carrying out nonproliferation, anti-terrorism, demining,*
10 *and related programs and activities.*

11 (b) *SPECIFICATION OF CERTAIN AMOUNTS.*—*Of the*
12 *amount authorized to be appropriated under subsection (a)*
13 *for fiscal year 2007, the following amounts are authorized*
14 *to be appropriated for the following purposes:*

15 (1) *Not less than \$95,050,000 to carry out activi-*
16 *ties under chapter 9 of part II of the Foreign Assist-*
17 *ance Act of 1961 (22 U.S.C. 2349bb et seq.);*

18 (2) *Not less than \$33,600,000 to carry out activi-*
19 *ties under chapter 6 of part II of the Foreign Assist-*
20 *ance Act of 1961 (22 U.S.C. 2349bb et seq.), and sec-*
21 *tion 23 of the Arms Export Control Act (22 U.S.C.*
22 *2763), for clearance of unexploded ordnance, the de-*
23 *struction of small arms and light weapons,*
24 *MANPADS, and other conventional weapons, includ-*
25 *ing tactical missile systems and associated ammuni-*
26 *tion, and related activities. Such activities may be*

1 *implemented through nongovernmental and inter-*
2 *national organizations notwithstanding any other*
3 *provision of law.*

4 *(c) AVAILABILITY OF FUNDS.—Amounts appropriated*
5 *under subsection (a) are authorized to remain available*
6 *until September 30, 2008.*

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

12 *(e) AMOUNTS IN ADDITION TO OTHER AUTHORIZED*
13 *FUNDS.—Amounts authorized to be appropriated under*
14 *this section and section 301 are in addition to amounts oth-*
15 *erwise available for such purposes.*

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109TH CONGRESS
2^D Session

S. 2566

A BILL

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

MAY 25, 2006

Reported with an amendment