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S. 2425

To prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2002

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

A BILL

To prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

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 “International Coopera-
5 tive Antiterrorism Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The use of terrorism is detestable and an il-
9 legitimate means of political expression.

1 (2) International terrorist organizations pose a
2 direct threat to the United States, and this threat
3 is becoming more acute and more difficult to pre-
4 vent.

5 (3) The threat from international terrorism is
6 made far more dangerous by the proliferation of
7 chemical, biological, and radiological weapons and
8 the means to produce those weapons.

9 (4) The prosecution of the war against inter-
10 national terrorist organizations must continue until
11 the threat they pose to the people and interests of
12 the United States is eliminated.

13 (5) The United States can only win the war
14 against terrorism if it receives cooperation from
15 other countries and entities.

16 (6) Protecting the United States homeland and
17 United States interests overseas from terrorism is of
18 the highest priority in the foreign relations of the
19 United States.

20 (7) Cooperation in the global war against inter-
21 national terrorism must be a primary focus of
22 United States foreign relations, United States assist-
23 ance, and international security relations.

24 (8) Winning the global war against inter-
25 national terrorism requires cooperation from the

1 international community, especially in the areas of
2 preventing the financing of terror, sharing informa-
3 tion on international terror networks, eliminating
4 terror cells, and in preventing the promotion of viru-
5 lent anti-Americanism with the intent to incite vio-
6 lence and the glorification of terrorism in state-
7 owned media and state-controlled schools.

8 (9) The promotion of terrorism, intolerance,
9 and virulent anti-Americanism in state-owned media
10 and state-controlled education systems is abhorrent
11 and poses a long-term threat to the safety and secu-
12 rity of the United States as well as the community
13 of nations.

14 (10) All countries and entities must be encour-
15 aged to cooperate in the global war against inter-
16 national terrorism.

17 (11) Some foreign governments and entities are
18 doing little to counter proterrorist and
19 prointolerance messages to mass audiences, includ-
20 ing to school age children.

21 (12) Countries providing direct or indirect as-
22 sistance to international terrorist organizations un-
23 dermine the direct security interests of the United
24 States.

1 (13) Countries demonstrating indifference to or
2 providing actual endorsement of international terror
3 as a legitimate political tool make a direct threat to
4 the security interests of the United States.

5 (14) United States economic assistance pro-
6 grams and the transfer of United States Munitions
7 List items are a critical tool of United States foreign
8 policy and winning the global war against inter-
9 national terrorism.

10 (15) Countries receiving United States assist-
11 ance and the export of items on the United States
12 Munitions List should be expected to support the
13 global war against international terror.

14 (16) Several existing laws, including the USA
15 Patriot Act of 2001, the Antiterrorism and Effective
16 Death Penalty Act of 1996, the Foreign Assistance
17 Act of 1961, the Arms Export Control Act, and the
18 Export Administration Act of 1979 (or successor
19 statute), prohibit the provision of United States as-
20 sistance, and the licensing for export of items on the
21 United States Munitions List, to countries sup-
22 porting terror or not fully cooperating in antiterror
23 efforts of the United States. It would be appropriate
24 in the implementation of these laws to apply the def-
25 inition of “fully cooperative in the global war against

1 international terrorism” set forth in this Act, includ-
2 ing preventing promotion of terror in state-owned
3 and state-controlled media and educational systems.

4 **SEC. 3. STATEMENT OF POLICY.**

5 It shall be the policy of the United States that—

6 (1) no United States economic assistance, other
7 than humanitarian assistance, may be provided to
8 any foreign country or entity that is not making a
9 maximum effort to be fully cooperative in the global
10 war against international terrorism; and

11 (2) no license for export of an item on the
12 United States Munitions List to a country or entity
13 may be issued if that country or entity is not mak-
14 ing a maximum effort to be fully cooperative in the
15 global war against international terrorism.

16 **SEC. 4. PROHIBITION ON UNITED STATES ECONOMIC AS-**
17 **SISTANCE AND COMMERCIAL ARMS EXPORTS.**

18 (a) UNITED STATES ECONOMIC ASSISTANCE.—If the
19 President determines that a country or entity is not mak-
20 ing a maximum effort to be fully cooperative in the global
21 war against international terrorism—

22 (1) no United States economic assistance may
23 be provided to such country or entity; and

24 (2) the United States shall oppose and vote
25 against any lending from any international financial

1 institution, including the World Bank, the Inter-
2 national Monetary Fund, the Asian Development
3 Bank, or other related institutions to such country
4 or entity.

5 (b) COMMERCIAL ARMS EXPORTS.—No license for
6 the export of an item on the United States Munitions List
7 to any country or entity may be issued if the President
8 determines that such country or entity is not making a
9 maximum effort to be fully cooperative in the global war
10 against international terrorism.

11 **SEC. 5. REQUIREMENT FOR AN ANNUAL REPORT.**

12 (a) REQUIREMENT FOR REPORT.—The President, in
13 consultation with the Secretary of State, the Secretary of
14 the Treasury, the Administrator of the United States
15 Agency for International Development, and the Director
16 of Central Intelligence, shall prepare an unclassified an-
17 nual report that—

18 (1) contains a list of each country or entity for
19 which the President has determined that there is
20 credible evidence that such country or entity is not
21 being fully cooperative in the global war against
22 international terrorism under section 4; and

23 (2) describes for each country or entity listed
24 under paragraph (1)—

1 (A) the specific failures of each country or
2 entity to be fully cooperative in the global war
3 against international terrorism;

4 (B) the reasons why such country or entity
5 is not fully cooperative;

6 (C) the efforts being made by the United
7 States Government to promote greater adher-
8 ence by such countries or entities with the glob-
9 al war against international terrorism; and

10 (D) any removal of a country or entity
11 from the list in paragraph (1).

12 (b) TRANSMISSION TO CONGRESS.—

13 (1) REPORT.—The report required by this sec-
14 tion shall be submitted to Congress every year as a
15 section of the annual country reports on terrorism
16 required by section 140(a) of the Foreign Relations
17 Authorization Act, Fiscal Years 1988 and 1989 (22
18 U.S.C. 2656(f)).

19 (2) BRIEFING.—The President shall make the
20 appropriate officials available to provide a classified
21 briefing to the appropriate committees of Congress
22 if such committees request additional clarifying de-
23 tails on why a country or entity is listed under sub-
24 section (a)(1).

1 **SEC. 6. PRESIDENTIAL WAIVER.**

2 United States economic assistance or exports prohib-
3 ited by section 4 may be provided to a country or entity
4 described in that section if the President—

5 (1) determines that permitting such assistance
6 or exports is important to the national security in-
7 terests of the United States; and

8 (2) not later than 15 days before permitting
9 such assistance or exports, furnishes a report de-
10 scribing the United States economic assistance or
11 exports to be provided to the appropriate committees
12 of Congress.

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

15 (1) **EXPRESSION OF SUPPORT FOR TERRORISM**
16 **AGAINST THE UNITED STATES.**—The term “expres-
17 sion of support for terrorism against the United
18 States” means a pattern of actions or expressions
19 that are designed to provoke or incite anti-American
20 violence, advocate international terrorism, or to glo-
21 rify the use of violence against citizens or govern-
22 ment officials of the United States.

23 (2) **FULLY COOPERATIVE IN THE GLOBAL WAR**
24 **AGAINST INTERNATIONAL TERRORISM.**—The term
25 “fully cooperative in the global war against inter-
26 national terrorism” means a country or entity that

1 has the necessary legal framework and, to the max-
2 imum extent possible, is enforcing efforts to—

3 (A) prevent the knowing financing of ter-
4 rorism, including preventing—

5 (i) direct financial payments to any
6 terrorist organization;

7 (ii) any terrorist organization or any
8 entity supporting a terrorist organization
9 from receiving financial services such as
10 brokering, lending, or transferring cur-
11 rency or credit;

12 (iii) any person from soliciting funds
13 or items of value for a terrorist group; and

14 (iv) any humanitarian or other non-
15 governmental organization from providing
16 financial support to terrorist organizations;

17 (B) share intelligence information with the
18 United States, including—

19 (i) releasing information to the United
20 States related to any terrorist organiza-
21 tion;

22 (ii) cooperating in investigations con-
23 ducted by the United States; and

24 (iii) providing, to the extent possible,
25 access to individuals suspected of or sup-

1 porting terrorist organizations to United
2 States investigators; and

3 (C) act against terrorist organizations,
4 including—

5 (i) preventing terrorist organizations
6 from committing or inciting to commit ter-
7 rorist acts against the United States or its
8 interests overseas;

9 (ii) preventing terrorist organizations
10 from operating safe houses or providing
11 transportation, communication, docu-
12 mentation, identification, weapons (includ-
13 ing chemical, biological, or radiological
14 weapons), explosives, or training to terror-
15 ists; and

16 (iii) in the cases of a country—

17 (I) investigating suspected terror-
18 ists within its national territory;

19 (II) enforcing international
20 agreements and United Nations Secu-
21 rity Council Resolutions against ter-
22 rorism; and

23 (III) curbing any domestic ex-
24 pression of support for terrorism
25 against the United States and its al-

1 lies in state-owned media, state-sanc-
2 tioned gatherings, state-governed reli-
3 gious institutions, and state-sanc-
4 tioned school and textbooks.

5 (3) HUMANITARIAN ASSISTANCE.—The term
6 “humanitarian assistance” means any humanitarian
7 goods and services, including foodstuffs, medicines,
8 and health assistance programs.

9 (4) TERRORIST ORGANIZATION.—The term
10 “terrorist organization” means an organization des-
11 ignated as a foreign terrorist organization by the
12 Secretary of State under section 219 of the Immi-
13 gration and Nationality Act (8 U.S.C. 1189).

14 (5) UNITED STATES ECONOMIC ASSISTANCE.—
15 The term “United States economic assistance”
16 means—

17 (A) any assistance under the Foreign As-
18 sistance Act of 1961 (including programs under
19 title IV of chapter 2, relating to the Overseas
20 Private Investment Corporation);

21 (B) sales, or financing on any terms, under
22 the Arms Export Control Act;

23 (C) the provision of agricultural commod-
24 ities, other than food, under the Agricultural

1 Trade Development and Assistance Act of
2 1954;

3 (D) financing under the Export-Import
4 Bank Act of 1945; and

5 (E) does not include humanitarian assist-
6 ance or other assistance that is intended to sup-
7 port cooperative antiterrorism, peacekeeping,
8 counter-narcotics, nonproliferation and counter-
9 proliferation programs, or funding for non-
10 governmental organizations promoting edu-
11 cation and democratic institutions.

12 (6) UNITED STATES MUNITIONS LIST.—The
13 term “United States Munitions List” means the de-
14 fense articles and defense services controlled by the
15 President under section 38 of the Arms Export Con-
16 trol Act (22 U.S.C. 2778).

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