

109TH CONGRESS
2D SESSION

H. R. 5333

To reduce the threat of terrorists acquiring shoulder-fired missiles.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2006

Mr. ROYCE (for himself, Mr. SHERMAN, Mr. WELLER, Mr. LANTOS, Ms. ROSELEHTINEN, Ms. WATSON, Mr. ISSA, Mr. CARDOZA, Mr. POE, Mr. McCOTTER, Mr. WILSON of South Carolina, Mr. ISRAEL, and Ms. BEAN) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To reduce the threat of terrorists acquiring shoulder-fired missiles.

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 “Shoulder-Fired Missile
5 Threat Reduction Act of 2006”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) MANPADS.—The term “MANPADS”
9 means—

1 (A) a surface-to-air missile system de-
2 signed to be man-portable and carried and fired
3 by a single individual; or

4 (B) any other surface-to-air missile system
5 designed to be operated and fired by more than
6 one individual acting as a crew and portable by
7 several individuals.

8 (2) CONVENTIONAL WEAPONS.—The term “con-
9 ventional weapons” means rocket propelled gre-
10 nades, landmines, abandoned stocks of munitions,
11 and other weapons the Secretary of State determines
12 the proliferation of which undermines international
13 peace and stability.

14 **SEC. 3. FINDINGS.**

15 Congress finds the following:

16 (1) The global proliferation of man-portable air
17 defense systems (MANPADS) and other conven-
18 tional weapons poses a direct threat to the national
19 security of the United States.

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

1 (3) More than two-dozen terrorist groups, in-
2 cluding al-Qaeda, are believed to possess
3 MANPADS.

4 (4) On November 28, 2002, in Mombasa,
5 Kenya, two shoulder-fired missiles were fired at a
6 departing civilian airliner in an unsuccessful attack
7 claimed by al-Qaeda.

8 (5) A successful terrorist attack with a shoul-
9 der-fired missile against a civilian airliner would
10 have devastating human and incalculable economic
11 costs.

12 (6) The Government Accountability Office has
13 estimated that there are between 500,000 and
14 750,000 MANPADS in countries around the world,
15 with a few thousand outside government controls
16 and thousands more under government controls but
17 vulnerable to theft and possible transfer to terrorist
18 groups due to inadequate security.

19 (7) Many countries that possess stocks of
20 MANPADS and other conventional weapons no
21 longer require such weapons for their own security
22 or self-defense, but do not possess the means to
23 eliminate or safeguard such weapons systems.

24 **SEC. 4. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1 (1) where appropriate, the United States Gov-
2 ernment should provide assistance to countries seek-
3 ing to secure, remove, or eliminate stocks of
4 MANPADS and other conventional weapons that
5 pose a proliferation threat;

6 (2) where appropriate, the Secretary of State
7 should direct United States Ambassadors to such
8 countries to negotiate with appropriate officials of
9 their host countries to offer assistance to secure, re-
10 move, and eliminate stocks of MANPADS and other
11 conventional weapons that pose a proliferation
12 threat; and

13 (3) in light of the clear links between global
14 networks of terrorism and global networks of the il-
15 legal trade in conventional weapons, the United
16 States Government should place consistent, broad,
17 and continued emphasis on combating the prolifera-
18 tion of MANPADS and other conventional weapons
19 within the broader nonproliferation strategy of the
20 United States.

21 **SEC. 5. STATEMENT OF POLICY.**

22 It is the policy of the United States to assist the gov-
23 ernments of other countries to secure, remove, or eliminate
24 stocks of MANPADS and other conventional weapons that

1 pose a proliferation threat, local or regional security
2 threat, or humanitarian threat.

3 **SEC. 6. GLOBAL PROGRAM FOR THE SAFEGUARDING AND**
4 **ELIMINATION OF MANPADS AND CONVEN-**
5 **TIONAL WEAPONS.**

6 (a) IN GENERAL.—The Secretary of State is author-
7 ized to carry out an accelerated global program to secure,
8 remove, or eliminate stocks of MANPADS and other con-
9 ventional weapons, as well as related equipment and facili-
10 ties, that are determined by the Secretary to pose a pro-
11 liferation threat, local or regional security threat, or hu-
12 manitarian threat.

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

15 (1) Programs to assist countries to secure, re-
16 move, and eliminate MANPADS and other conven-
17 tional weapons, including programs related to the
18 safe handling and proper storage of such
19 MANPADS and other conventional weapons.

20 (2) Cooperative programs with the North Atlan-
21 tic Treaty Organization, Organization for Security
22 and Cooperation in Europe, and other international
23 organizations to assist countries in the secure han-
24 dling and proper storage, removal, or elimination of
25 MANPADS and other conventional weapons.

1 (3) Programs for the management, including
2 inventory and accounting procedures, of MANPADS
3 and other conventional weapons at locations where
4 United States funds have been used to provide for
5 the security of such weapons.

6 (4) Actions to ensure that equipment and
7 funds, including security upgrades at locations for
8 the storage, removal, or elimination of MANPADS
9 and other conventional weapons and related equip-
10 ment that are determined by the Secretary of State
11 to pose a proliferation threat, local or regional secu-
12 rity threat, or humanitarian threat, continue to be
13 used for authorized purposes.

14 **SEC. 7. IMPOSITION OF SANCTIONS TO DETER THE TRANS-**
15 **FER OF MANPADS.**

16 (a) STATEMENT OF POLICY.—Congress declares that
17 it should be the policy of the United States to hold foreign
18 governments accountable for knowingly transferring
19 MANPADS to state-sponsors of terrorism or terrorist or-
20 ganizations.

21 (b) DETERMINATION RELATING TO SANCTIONS.—

22 (1) IN GENERAL.—If the President determines
23 that a foreign government knowingly transfers
24 MANPADS to a foreign government described in

1 paragraph (2) or a terrorist organization, the Presi-
2 dent shall—

3 (A) submit forthwith to the Committee on
4 International Relations of the House of Rep-
5 resentatives and the Committee on Foreign Re-
6 lations of the Senate a report containing such
7 determination; and

8 (B) impose forthwith on the transferring
9 foreign government the sanctions described in
10 subsection (c).

11 (2) FOREIGN GOVERNMENT DESCRIBED.—A
12 foreign government described in this paragraph is a
13 foreign government that the Secretary of State has
14 determined, for purposes of section 6(j) of the Ex-
15 port Administration Act of 1979, section 620A of
16 the Foreign Assistance Act of 1961, section 40 of
17 the Arms Export Control Act, or any other provision
18 of law, is a government that has repeatedly provided
19 support for acts of international terrorism.

20 (c) SANCTIONS DESCRIBED.—The sanctions referred
21 to in subsection (b)(1)(B) are the following:

22 (1) Termination of United States Government
23 assistance to the transferring foreign government
24 under the Foreign Assistance Act of 1961, except

1 that such termination shall not apply in the case of
2 humanitarian assistance.

3 (2) Termination of United States Govern-
4 ment—

5 (A) sales to the transferring foreign gov-
6 ernment of any defense articles, defense serv-
7 ices, or design and construction services; and

8 (B) licenses for the export to the transfer-
9 ring foreign government of any item on the
10 United States Munitions List.

11 (3) Termination of all foreign military financing
12 for the transferring foreign government.

13 (d) WAIVER.—Notwithstanding any other provision
14 of law, sanctions shall not be imposed on a transferring
15 foreign government under this section if the President de-
16 termines and certifies in writing to the Committee on
17 International Relations of the House of Representatives
18 and the Committee on Foreign Relations of the Senate
19 that the furnishing of the assistance, sales, licensing, or
20 financing that would otherwise be suspended as a result
21 of the imposition of such sanctions is important to the
22 national security interests of the United States.

23 (e) DEFINITIONS.—In this section:

1 (1) DEFENSE ARTICLE.—The term “defense ar-
2 ticle” has the meaning given the term in section
3 47(3) of the Arms Export Control Act.

4 (2) DEFENSE SERVICE.—The term “defense
5 service” has the meaning given the term in section
6 47(4) of the Arms Export Control Act.

7 (3) DESIGN AND CONSTRUCTION SERVICES.—
8 The term “design and construction services” has the
9 meaning given the term in section 47(8) of the Arms
10 Export Control Act.

11 (4) FOREIGN GOVERNMENT.—The term “for-
12 eign government” includes any agency or instrumen-
13 tality of a foreign government.

14 **SEC. 8. MULTILATERAL EFFORTS TO LIMIT THE AVAIL-**
15 **ABILITY AND TRANSFER OF MANPADS.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) The United States Government has begun
18 to pursue commitments from countries in multilat-
19 eral forums to limit the availability, transfer, and
20 proliferation of MANPADS worldwide.

21 (2) However, multilateral forums lack mecha-
22 nisms for assessing member countries’ compliance
23 with such diplomatic commitments.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the United States Government should continue

1 to pursue strengthened international diplomatic efforts in
2 the appropriate fora to limit the availability, transfer, and
3 proliferation of MANPADS worldwide and to exert appro-
4 priate diplomatic pressure to influence member country
5 compliance with such efforts.

6 **SEC. 9. REPORT ON MANPADS AND CONVENTIONAL WEAP-**
7 **ONS THREAT REDUCTION.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act and as circumstances
10 warrant thereafter, the Secretary of State, in consultation
11 with other appropriate government agencies, shall submit
12 to the Committee on International Relations and the Com-
13 mittee on Appropriations of the House of Representatives
14 and the Committee on Foreign Relations and the Com-
15 mittee on Appropriations of the Senate a report on
16 MANPADS and other conventional weapons threat reduc-
17 tion.

18 (b) CONTENTS.—The report required under sub-
19 section (a) shall include the following information for the
20 period preceding each such report:

21 (1) A description of efforts undertaken by the
22 Secretary of State regarding MANPADS and other
23 conventional weapons threat reduction.

24 (2) A description, on a country-by-country
25 basis, of the implementation of a global strategy for

1 the storage, removal, and elimination of MANPADS
2 and other conventional weapons, including, to the
3 extent possible, a prioritization of such storage, re-
4 moval, and elimination efforts with respect to the
5 proliferation sensitivity of such weapons in each
6 country and the potential impact of such efforts on
7 local and regional security.

8 (3) A description of multilateral efforts pursued
9 by the United States Government to limit the avail-
10 ability, transfer, and proliferation of MANPADS
11 worldwide, and a strategy to establish mechanisms
12 to monitor and report on—

13 (A) countries' implementation of their
14 commitments to limit such availability, transfer,
15 and proliferation; and

16 (B) the impact such implementation of
17 commitments has on the flow of MANPADS to
18 black and gray markets.

19 (4) A description and evaluation of the access
20 of terrorists, non-state actors, and state sponsors of
21 terrorism to MANPADS, their methods to acquire
22 MANPADS, and a strategy for disrupting future ac-
23 cess to MANPADS.

24 (5) An evaluation of the extent to which activi-
25 ties authorized by this Act and other United States

1 Government programs are integrated to ensure that
2 the conventional weapons threat reduction efforts of
3 the United States Government are consistent with
4 United States policy and goals in countries receiving
5 assistance through such activities.

6 (c) FORM.—The report required under subsection (a)
7 shall be in unclassified form, but shall contain a classified
8 annex, as appropriate.

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—In addition to amounts that are
11 otherwise authorized to be appropriated to the Non-
12 proliferation, Anti-Terrorism, Demining, and Related Pro-
13 grams account of the Department of State, there is au-
14 thorized to be appropriated \$15,000,000 for fiscal year
15 2007 and \$20,000,000 for fiscal year 2008 for activities
16 related to the securing, removal, or elimination of stocks
17 of MANPADS and other conventional weapons and re-
18 lated equipment and facilities.

19 (b) ADDITIONAL AUTHORITIES.—Amounts appro-
20 priated pursuant to subsection (a)—

21 (1) are authorized to be made available notwith-
22 standing any other provision of law; and

23 (2) are authorized to remain available until ex-
24 pended.

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