A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shoulder-fired Missile Threat Reduction Act of 2006”.

SEC. 2. DEFINITIONS.

In this Act:
(1) MANPADS.—The term “MANPADS” means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; or

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

(2) CONVENTIONAL WEAPONS.—The term “conventional weapons” means rocket propelled grenades, landmines, abandoned stocks of munitions, and other weapons the Secretary of State determines the proliferation of which undermines international peace and stability.

SEC. 3. FINDINGS.

Congress finds the following:

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

(2) The use of MANPADS and other conventional weapons by terrorists and insurgent groups continues to hamper United States efforts to achieve peace and security in Iraq and Afghanistan.
More than two-dozen terrorist groups, including al-Qaeda, are believed to possess MANPADS.

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

A successful terrorist attack with a shoulder-fired missile against a civilian airliner would have devastating human and incalculable economic costs.

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

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

It is the sense of Congress that—
(1) where appropriate, the United States Government should provide assistance to countries seeking to secure, remove, or eliminate stocks of MANPADS and other conventional weapons that pose a proliferation threat;

(2) where appropriate, the Secretary of State should direct United States Ambassadors to such countries to negotiate with appropriate officials of their host countries to offer assistance to secure, remove, and eliminate stocks of MANPADS and other conventional weapons that pose a proliferation threat; and

(3) in light of the clear links between global networks of terrorism and global networks of the illegal trade in conventional weapons, the United States Government should place consistent, broad, and continued emphasis on combating the proliferation of MANPADS and other conventional weapons within the broader nonproliferation strategy of the United States.

SEC. 5. STATEMENT OF POLICY.

It is the policy of the United States to assist the governments of other countries to secure, remove, or eliminate stocks of MANPADS and other conventional weapons that
pose a proliferation threat, local or regional security threat, or humanitarian threat.

SEC. 6. GLOBAL PROGRAM FOR THE SAFEGUARDING AND ELIMINATION OF MANPADS AND CONVENTIONAL WEAPONS.

(a) IN GENERAL.—The Secretary of State is authorized to carry out an accelerated global program to secure, remove, or eliminate stocks of MANPADS and other conventional weapons, as well as related equipment and facilities, that are determined by the Secretary to pose a proliferation threat, local or regional security threat, or humanitarian threat.

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

(1) Programs to assist countries to secure, remove, and eliminate MANPADS and other conventional weapons, including programs related to the safe handling and proper storage of such MANPADS and other conventional weapons.

(2) Cooperative programs with the North Atlantic Treaty Organization, Organization for Security and Cooperation in Europe, and other international organizations to assist countries in the secure handling and proper storage, removal, or elimination of MANPADS and other conventional weapons.
(3) Programs for the management, including inventory and accounting procedures, of MANPADS and other conventional weapons at locations where United States funds have been used to provide for the security of such weapons.

(4) Actions to ensure that equipment and funds, including security upgrades at locations for the storage, removal, or elimination of MANPADS and other conventional weapons and related equipment that are determined by the Secretary of State to pose a proliferation threat, local or regional security threat, or humanitarian threat, continue to be used for authorized purposes.

SEC. 7. IMPOSITION OF SANCTIONS TO DETER THE TRANSFER OF MANPADS.

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

(b) DETERMINATION RELATING TO SANCTIONS.—

(1) IN GENERAL.—If the President determines that a foreign government knowingly transfers MANPADS to a foreign government described in
paragraph (2) or a terrorist organization, the President shall—

(A) submit forthwith to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing such determination; and

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

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

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

(1) Termination of United States Government assistance to the transferring foreign government under the Foreign Assistance Act of 1961, except
that such termination shall not apply in the case of humanitarian assistance.

(2) Termination of United States Government—

(A) sales to the transferring foreign government of any defense articles, defense services, or design and construction services; and

(B) licenses for the export to the transferring foreign government of any item on the United States Munitions List.

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

(d) Waiver.—Notwithstanding any other provision of law, sanctions shall not be imposed on a transferring foreign government under this section if the President determines and certifies in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the furnishing of the assistance, sales, licensing, or financing that would otherwise be suspended as a result of the imposition of such sanctions is important to the national security interests of the United States.

(e) Definitions.—In this section:
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(1) DEFENSE ARTICLE.—The term “defense article” has the meaning given the term in section 47(3) of the Arms Export Control Act.

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

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

(4) FOREIGN GOVERNMENT.—The term “foreign government” includes any agency or instrumentality of a foreign government.

SEC. 8. MULTILATERAL EFFORTS TO LIMIT THE AVAILABILITY AND TRANSFER OF MANPADS.

(a) FINDINGS.—Congress finds the following:

(1) The United States Government has begun to pursue commitments from countries in multilateral forums to limit the availability, transfer, and proliferation of MANPADS worldwide.

(2) However, multilateral forums lack mechanisms for assessing member countries’ compliance with such diplomatic commitments.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should continue
to pursue strengthened international diplomatic efforts in
the appropriate fora to limit the availability, transfer, and
proliferation of MANPADS worldwide and to exert appro-
priate diplomatic pressure to influence member country
compliance with such efforts.

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

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

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

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

(2) A description, on a country-by-country
basis, of the implementation of a global strategy for
the storage, removal, and elimination of MANPADS
and other conventional weapons, including, to the
extent possible, a prioritization of such storage, re-
moval, and elimination efforts with respect to the
proliferation sensitivity of such weapons in each
country and the potential impact of such efforts on
local and regional security.

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

(A) countries’ implementation of their
commitments to limit such availability, transfer,
and proliferation; and

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

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

(5) An evaluation of the extent to which activi-
ties authorized by this Act and other United States
Government programs are integrated to ensure that the conventional weapons threat reduction efforts of the United States Government are consistent with United States policy and goals in countries receiving assistance through such activities.

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

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.— In addition to amounts that are otherwise authorized to be appropriated to the Non-proliferation, Anti-Terrorism, Demining, and Related Programs account of the Department of State, there is authorized to be appropriated $15,000,000 for fiscal year 2007 and $20,000,000 for fiscal year 2008 for activities related to the securing, removal, or elimination of stocks of MANPADS and other conventional weapons and related equipment and facilities.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to subsection (a)—

(1) are authorized to be made available notwithstanding any other provision of law; and

(2) are authorized to remain available until expended.