

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5333

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2006

Mr. ROYCE (for himself, Mr. SHERMAN, Mr. WELLER, Mr. LANTOS, Ms. ROS-LEHTINEN, 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

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## 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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