

S 2425 IS

107th CONGRESS

2d Session

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.

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 'International Cooperative Antiterrorism Act of 2002'.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) The use of terrorism is detestable and an illegitimate means of political expression.
- (2) International terrorist organizations pose a direct threat to the United States, and this threat is becoming more acute and more difficult to prevent.
- (3) The threat from international terrorism is made far more dangerous by the proliferation of chemical, biological, and radiological weapons and the means to produce those weapons.
- (4) The prosecution of the war against international terrorist organizations must continue until the threat they pose to the people and interests of the United States is eliminated.
- (5) The United States can only win the war against terrorism if it receives cooperation from other countries and entities.
- (6) Protecting the United States homeland and United States interests overseas from terrorism is of the highest priority in the foreign relations of the United States.
- (7) Cooperation in the global war against international terrorism must be a primary focus of United States foreign relations, United States assistance, and international security relations.
- (8) Winning the global war against international terrorism requires cooperation

from the international community, especially in the areas of preventing the financing of terror, sharing information on international terror networks, eliminating terror cells, and in preventing the promotion of virulent anti-Americanism with the intent to incite violence and the glorification of terrorism in state-owned media and state-controlled schools.

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

(10) All countries and entities must be encouraged to cooperate in the global war against international terrorism.

(11) Some foreign governments and entities are doing little to counter proterrorist and prointolerance messages to mass audiences, including to school age children.

(12) Countries providing direct or indirect assistance to international terrorist organizations undermine the direct security interests of the United States.

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

(14) United States economic assistance programs and the transfer of United States Munitions List items are a critical tool of United States foreign policy and winning the global war against international terrorism.

(15) Countries receiving United States assistance and the export of items on the United States Munitions List should be expected to support the global war against international terror.

(16) Several existing laws, including the USA Patriot Act of 2001, the Antiterrorism and Effective Death Penalty Act of 1996, the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Export Administration Act of 1979 (or successor statute), prohibit the provision of United States assistance, and the licensing for export of items on the United States Munitions List, to countries supporting terror or not fully cooperating in antiterror efforts of the United States. It would be appropriate in the implementation of these laws to apply the definition of 'fully cooperative in the global war against

international terrorism' set forth in this Act, including preventing promotion of terror in state-owned and state-controlled media and educational systems.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States that--

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

(2) no license for export of an item on the United States Munitions List to a

country or entity may be issued if that country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism.

SEC. 4. PROHIBITION ON UNITED STATES ECONOMIC ASSISTANCE AND COMMERCIAL ARMS EXPORTS.

(a) **UNITED STATES ECONOMIC ASSISTANCE-** If the President determines that a country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism--

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

(2) the United States shall oppose and vote against any lending from any international financial institution, including the World Bank, the International Monetary Fund, the Asian Development Bank, or other related institutions to such country or entity.

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

SEC. 5. REQUIREMENT FOR AN ANNUAL REPORT.

(a) **REQUIREMENT FOR REPORT-** The President, in consultation with the Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall prepare an unclassified annual report that--

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

(2) describes for each country or entity listed under paragraph (1)--

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

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

(C) the efforts being made by the United States Government to promote greater adherence by such countries or entities with the global war against international terrorism; and

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

(b) **TRANSMISSION TO CONGRESS-**

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

(2) **BRIEFING-** The President shall make the appropriate officials available to

provide a classified briefing to the appropriate committees of Congress if such committees request additional clarifying details on why a country or entity is listed under subsection (a)(1).

SEC. 6. PRESIDENTIAL WAIVER.

United States economic assistance or exports prohibited by section 4 may be provided to a country or entity described in that section if the President--

- (1) determines that permitting such assistance or exports is important to the national security interests of the United States; and
- (2) not later than 15 days before permitting such assistance or exports, furnishes a report describing the United States economic assistance or exports to be provided to the appropriate committees of Congress.

SEC. 7. DEFINITIONS.

In this Act:

(1) **EXPRESSION OF SUPPORT FOR TERRORISM AGAINST THE UNITED STATES-** The term `expression of support for terrorism against the United States' means a pattern of actions or expressions that are designed to provoke or incite anti-American violence, advocate international terrorism, or to glorify the use of violence against citizens or government officials of the United States.

(2) **FULLY COOPERATIVE IN THE GLOBAL WAR AGAINST INTERNATIONAL TERRORISM-** The term `fully cooperative in the global war against international terrorism' means a country or entity that

has the necessary legal framework and, to the maximum extent possible, is enforcing efforts to--

- (A) prevent the knowing financing of terrorism, including preventing--
 - (i) direct financial payments to any terrorist organization;
 - (ii) any terrorist organization or any entity supporting a terrorist organization from receiving financial services such as brokering, lending, or transferring currency or credit;
 - (iii) any person from soliciting funds or items of value for a terrorist group; and
 - (iv) any humanitarian or other nongovernmental organization from providing financial support to terrorist organizations;
- (B) share intelligence information with the United States, including--
 - (i) releasing information to the United States related to any terrorist organization;
 - (ii) cooperating in investigations conducted by the United States; and
 - (iii) providing, to the extent possible, access to individuals suspected of or supporting terrorist organizations to United States investigators; and

(C) act against terrorist organizations, including--

(i) preventing terrorist organizations from committing or inciting to commit terrorist acts against the United States or its interests overseas;

(ii) preventing terrorist organizations from operating safe houses or providing transportation, communication, documentation, identification, weapons (including chemical, biological, or radiological weapons), explosives, or training to terrorists; and

(iii) in the cases of a country--

(I) investigating suspected terrorists within its national territory;

(II) enforcing international agreements and United Nations Security Council Resolutions against terrorism; and

(III) curbing any domestic expression of support for terrorism against the United States and its allies in state-owned media, state-sanctioned gatherings, state-governed religious institutions, and state-sanctioned school and textbooks.

(3) HUMANITARIAN ASSISTANCE- The term `humanitarian assistance' means any humanitarian goods and services, including foodstuffs, medicines, and health assistance programs.

(4) TERRORIST ORGANIZATION- The term `terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(5) UNITED STATES ECONOMIC ASSISTANCE- The term `United States economic assistance' means--

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation);

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

(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954;

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

(E) does not include humanitarian assistance or other assistance that is intended to support cooperative antiterrorism, peacekeeping, counter-narcotics, nonproliferation and counter-proliferation programs, or funding for nongovernmental organizations promoting education and democratic institutions.

(6) UNITED STATES MUNITIONS LIST- The term `United States Munitions List' means the defense articles and defense services controlled by the President under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

END