

107TH CONGRESS
2^D SESSION

S. 2066

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

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2002

Mr. BAYH 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 those organizations and the threat they pose to the
12 people and interests of the United States are elimi-
13 nated.

14 (5) The United States can only win the war on
15 terrorism if it receives cooperation from other coun-
16 tries and entities.

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

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

1 (8) Winning the war on terrorism requires co-
2 operation from the international community, espe-
3 cially in the areas of preventing the financing of ter-
4 ror, sharing information on international terror net-
5 works, eliminating terror cells, and in preventing the
6 promotion of anti-Americanism and the glorification
7 of terrorism in state-owned media and state-con-
8 trolled schools.

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

15 (10) All countries and entities must be encour-
16 aged to cooperate in the global war on international
17 terrorism.

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

22 (12) Countries providing direct or indirect as-
23 sistance to international terrorist organizations un-
24 dermine the direct security interests of the United
25 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) The National Commission on Terrorism
6 established by section 591 of the Foreign Operations
7 Export Financing, and Related Programs Approp-
8 riations Act, 1999, as enacted by Public Law 105–
9 277 (112 Stat. 2681–210), concluded that the
10 United States should strengthen its efforts to dis-
11 courage the broad range of assistance that countries
12 provide to international terrorists.

13 (15) The National Commission on Terrorism
14 further recommends that the President make more
15 effective use of authority to designate foreign gov-
16 ernments as “not fully cooperative” with the United
17 States counterterrorism efforts.

18 (16) United States assistance programs and the
19 transfer of United States Munitions List items are
20 a critical tool of United States foreign policy and
21 winning the global war on terrorism.

22 (17) Countries receiving United States assist-
23 ance and the export of items on the United States
24 Munitions List must be obligated to support the
25 global war on international terror.

1 (18) Several existing laws, including the USA
2 Patriot Act of 2001, the Antiterrorism and Effective
3 Death Penalty Act of 1996, the Foreign Assistance
4 Act of 1961, the Arms Export Control Act, and the
5 Export Administration Act of 1979 (or successor
6 statute), prohibit the provision of United States as-
7 sistance, and the licensing for export of items on the
8 United States Munitions List, to countries sup-
9 porting terror or not fully cooperating in antiterror
10 efforts of the United States. These laws should be
11 expanded to include the definition of “fully coopera-
12 tive in the global war against international ter-
13 rorism” set forth in this Act, including preventing
14 promotion of terror in state-owned and controlled
15 media and educational systems.

16 **SEC. 3. STATEMENT OF POLICY.**

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

18 (1) no United States assistance may be pro-
19 vided to any foreign country or entity that is not
20 making a maximum effort to be fully cooperative in
21 the global war against international terrorism; and

22 (2) no license for export of an item on the
23 United States Munitions List to a country or entity
24 may be issued if that country or entity is not mak-

1 ing a maximum effort to be fully cooperative in the
2 war against international terrorism.

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

5 (a) UNITED STATES ASSISTANCE.—No United
6 States assistance, other than humanitarian assistance and
7 cooperative nonproliferation and counterproliferation pro-
8 grams, may be provided to any country or entity if the
9 President determines that such country or entity is not
10 making a maximum effort to be fully cooperative in the
11 global war against international terrorism.

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

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

19 (a) REQUIREMENT FOR REPORT.—The President, in
20 consultation with the Secretary of State, the Secretary of
21 the Treasury, the Administrator of the United States
22 Agency for International Development, and the Director
23 of Central Intelligence, shall prepare an annual report
24 that—

1 (1) lists each country or entity for which the
2 President has determined that there is credible evi-
3 dence that such country or entity is not being fully
4 cooperative in the global war against international
5 terrorism under section 4; and

6 (2) describes for each country or entity listed
7 under paragraph (1)—

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

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

13 (C) the efforts being made by the United
14 States Government to promote greater adher-
15 ence by such countries or entities with the glob-
16 al war on international terrorism; and

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

19 (b) DISSEMINATION.—The report required by this
20 section shall—

21 (1) be submitted to Congress every year by De-
22 cember 31; and

23 (2) not be classified, except that the report may
24 contain a classified addendum, if necessary.

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

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

5 (1) determines that permitting such assistance
6 or exports is essential to the national security inter-
7 ests 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 assistance or exports to
11 be provided to the appropriate committees of Con-
12 gress.

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 actions or expressions that are de-
19 signed to provoke anti-American action, especially of
20 a violent nature, or to glorify the use of violence
21 against citizens or government officials of the United
22 States.

23 (2) **FULLY COOPERATIVE IN THE GLOBAL WAR**
24 **AGAINST INTERNATIONAL TERRORISM.**—The term
25 “fully cooperative in the global war against inter-

1 national terrorism” means a country or entity that
2 is—

3 (A) preventing the financing of terrorism,
4 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) sharing intelligence information with
18 the 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 individuals suspected of or supporting ter-

1 rorist organizations to United States inves-
2 tigators; and

3 (C) acting 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, false 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-san-
2 tioned gatherings, state-governed reli-
3 gious institutions, and state-san-
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 ASSISTANCE.—The term
15 “United States assistance” means—

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

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

22 (C) the provision of agricultural commod-
23 ities, other than food, under the Agricultural
24 Trade Development and Assistance Act of
25 1954; and

1 (D) financing under the Export-Import
2 Bank Act of 1945.

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

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