

107TH CONGRESS
2D SESSION

S. 2476

To improve antiterrorism efforts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2002

Mr. SCHUMER (for himself, Mr. SMITH of Oregon, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To improve antiterrorism efforts, and for other purposes.

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 tion Against Terrorism Act of 2002”.

6 **SEC. 2. ELECTRONIC TRANSMISSION OF PASSENGER MANI-**
7 **FESTS.**

8 Section 44909(c) of title 49, United States Code, is
9 amended by adding at the end the following new para-
10 graph:

1 “(6) PENALTIES.—In addition to any other
2 penalties, any air carrier or foreign air carrier that
3 does not electronically transmit data through the ad-
4 vanced passenger information system established
5 under section 431 of the Tariff Act of 1930 (19
6 U.S.C. 1431) (“APIS”) shall be subject to the fol-
7 lowing penalties:

8 “(A) Within 60 days after the date of en-
9 actment of the International Cooperation
10 Against Terrorism Act of 2002, a fine of
11 \$5,000 for every flight of that carrier that does
12 not submit complete and accurate data in the
13 electronic manifest for at least 85 percent of
14 the passengers and crew of such flight.

15 “(B) Within 120 days after the date of en-
16 actment of the International Cooperation
17 Against Terrorism Act of 2002, a fine of
18 \$7,000 for every flight of that carrier that does
19 not submit complete and accurate data in the
20 electronic manifest for 100 percent of the pas-
21 sengers and crew of such flight.

22 “(C) Within 210 days after the date of en-
23 actment of the International Cooperation
24 Against Terrorism Act of 2002, the United
25 States Customs Service shall revoke the landing

1 rights of an air carrier or foreign air carrier
 2 that does not submit complete and accurate
 3 data in the electronic manifest for 100 percent
 4 of the passengers and crew of every flight of
 5 such carrier.”.

6 **SEC. 3. MANDATORY ADVANCED ELECTRONIC INFORMA-**
 7 **TION FOR AIR CARGO.**

8 Section 431(b) of the Tariff Act of 1930 (19 U.S.C.
 9 1431(b)) is amended—

10 (1) by striking “Any manifest” and inserting

11 “(1) IN GENERAL.—Any manifest”; and

12 (2) by adding at the end the following new
 13 paragraph:

14 “(2) CARGO MANIFEST.—

15 “(A) REQUIREMENT.—In addition to any
 16 other requirement under this section, the pilot,
 17 operator, or owner (or the authorized agent of
 18 such owner or operator) of every aircraft re-
 19 quired to make entry or obtain clearance under
 20 the customs laws of the United States shall
 21 electronically transmit the cargo manifest infor-
 22 mation described in subparagraph (B) in ad-
 23 vance of such entry or clearance in such man-
 24 ner, time, and form as the Secretary shall pre-
 25 scribe. The Secretary may exclude any class of

1 aircraft from the requirements of this subpara-
2 graph if the Secretary determines that such re-
3 quirements are not necessary.

4 “(B) CONTENT.—The cargo manifest for
5 each aircraft shall consist of the following infor-
6 mation:

7 “(i) The port or place of arrival or de-
8 parture.

9 “(ii) The carrier code, prefix code, or
10 both.

11 “(iii) The flight, voyage, or trip num-
12 ber.

13 “(iv) The date of scheduled arrival or
14 date of scheduled departure.

15 “(v) The request for permit to pro-
16 ceed to the destination, if applicable.

17 “(vi) The numbers and quantities
18 from the air carrier’s master bill of lading.

19 “(vii) The first port of lading of the
20 cargo.

21 “(viii) A description, including the
22 weight, of any cargo that is not in a sealed
23 container.

1 “(ix) The shipper’s declared descrip-
2 tion, including the weight, of any cargo
3 that is in a sealed container.

4 “(x) The shippers name and address
5 from all bills of lading.

6 “(xi) The consignee’s name and ad-
7 dress from all bills of lading.

8 “(xii) Information regarding any dis-
9 crepancies between the quantities listed on
10 the bill of lading and the actual quantity
11 on board.

12 “(xiii) Transfer or transit information
13 for the cargo while it has been under the
14 control of the air carrier.

15 “(xiv) Warehouse or other location of
16 the cargo while it has been under the con-
17 trol of the air carrier.

18 “(xv) Any additional information that
19 the Secretary by regulation determines is
20 reasonably necessary to ensure aviation
21 transportation safety.

22 “(C) CERTAIN VERIFICATION NOT RE-
23 QUIRED.—Nothing in subparagraph (B)(xii),
24 shall require an air carrier to verify boarded
25 quantities of cargo in sealed containers.

1 “(D) NOTICE.—The Commissioner of Cus-
2 toms shall notify all air carriers of the require-
3 ments of this paragraph.

4 “(E) ENFORCEMENT.—In addition to any
5 other penalties, any air carrier that does not
6 comply with the requirements of this paragraph
7 shall be subject to the following penalties:

8 “(i) Within 60 days after the date of
9 enactment of the International Cooperation
10 Against Terrorism Act of 2002, a fine of
11 \$5,000 for every flight of that carrier that
12 does not submit complete and accurate
13 data for at least 85 percent of the cargo of
14 such flight.

15 “(ii) Within 120 days after the date
16 of enactment of the International Coopera-
17 tion Against Terrorism Act of 2002, a fine
18 of \$7,000 for every flight of that carrier
19 that does not submit complete and accu-
20 rate data for 100 percent of the cargo of
21 such flight.

22 “(iii) Within 210 days after the date
23 of enactment of the International Coopera-
24 tion Against Terrorism Act of 2002, the
25 United States Customs Service shall revoke

1 the landing rights of the air carrier that
 2 does not submit complete and accurate
 3 data for 100 percent of the cargo of every
 4 flight of such carrier.

5 “(F) DEFINITION.—In this paragraph, the
 6 term ‘air carrier’ has the meaning given the
 7 terms ‘air carrier’ and ‘foreign air carrier’ in
 8 section 40102 of title 49, United States Code.”.

9 **SEC. 4. OVERSIGHT OF CHARITABLE ORGANIZATIONS CON-**
 10 **NECTED TO TERRORIST ACTIVITIES.**

11 (a) REPORTING REQUIREMENTS.—The President, in
 12 consultation with the task force described in subsection
 13 (b)(1), is authorized to conclude agreements with foreign
 14 countries under which the governments of those countries
 15 agree to require each qualified charitable organization op-
 16 erating in any of those countries to report—

17 (1) the overall sources of the organization’s
 18 funds, including amounts received from fundraising,
 19 amounts received from sales, and amounts received
 20 from the holding of events;

21 (2) the names of the organization’s officers and
 22 directors;

23 (3) an itemization of the organization’s ex-
 24 penses; and

1 (4) a description of all lobbying and political ac-
2 tivities of the organization.

3 (b) TASK FORCE.—

4 (1) IN GENERAL.—The task force referred to in
5 subsection (a) means an interagency task force con-
6 sisting of 3 representatives from each of the Depart-
7 ment of State, the Department of the Treasury, and
8 the Department of Justice for the purpose of coordi-
9 nating the activities of the United States Govern-
10 ment with respect to the activities of charitable or-
11 ganizations abroad.

12 (2) INTERNATIONAL COOPERATION.—The mem-
13 bers of the task force shall cooperate with appro-
14 priate counterpart representatives of any foreign
15 country with which the United States seeks to con-
16 clude, or to implement, an agreement under sub-
17 section (a).

18 (c) REPORT.—The task force described in subsection
19 (b) shall report to the Speaker of the House of Represent-
20 atives and the President pro tempore of the Senate on its
21 progress not later than 6 months after the date of enact-
22 ment of this Act and every 6 months thereafter on its
23 progress. Each such report shall include a list of countries
24 that are cooperating with the task force and a description
25 of the degree of cooperation or noncooperation of the for-

1 eign countries with which the President has sought to con-
 2 clude an agreement under subsection (a).

3 (d) QUALIFIED CHARITABLE ORGANIZATION DE-
 4 FINED.—In this section, the term “qualified charitable or-
 5 ganization” means a charitable organization that has been
 6 identified by the task force as an organization that spon-
 7 sors, funds, receives funds from, or supports terrorist or-
 8 ganizations.

9 **SEC. 5. EXPORT LICENSE REQUIRED.**

10 Section 6(j) of the Export Administration Act of
 11 1979 (50 U.S.C. App. 2405(j)) is amended—

12 (1) by amending paragraph (1), to read as fol-
 13 lows:

14 “(1) A validated license shall be required for
 15 the export of goods or technology to a country if the
 16 Secretary of State determines that—

17 “(A) the government of such country—

18 “(i) is not cooperating with the
 19 United States antiterrorism efforts, includ-
 20 ing failing to freeze the bank accounts of
 21 entities supporting terrorist activities, or
 22 failing to share intelligence information re-
 23 garding terrorist organizations with the
 24 United States; or

1 “(ii) has repeatedly provided support
2 for acts of international terrorism; and

3 “(B) with respect to a country described in
4 subparagraph (A), the export of such goods or
5 technology could make a significant contribu-
6 tion to—

7 “(i) the military potential of such
8 country, including its military logistics ca-
9 pability, or could enhance the ability of
10 such country to support acts of inter-
11 national terrorism; or

12 “(ii) the development of the country’s
13 ability to explore for, extract, refine, or
14 transport petroleum or natural gas.”;

15 (2) in paragraph (2), by striking “Foreign Af-
16 fairs” and inserting “International Relations and
17 the Committee on Ways and Means”;

18 (3) in paragraph (4), in the matter preceding
19 subparagraph (A), by inserting “, chairman of the
20 Committee on Ways and Means, and the chairman
21 of the Committee on International Relations” after
22 “the Speaker”;

23 (4) in paragraph (4)(A)—

24 (A) by inserting “at least 45 days” after
25 “(A)”;

1 (B) in clause (ii), by striking “and”;

2 (C) in clause (iii), by striking “or”; and

3 (D) by adding at the end the following:

4 “(iv) that government is cooperating with
5 United States antiterrorism efforts; and

6 “(v) that government has provided assur-
7 ances that it will cooperate with future efforts
8 to fight terrorism; or”;

9 (5) in paragraph (4)(B)—

10 (A) in clause (i), by striking “and”;

11 (B) in clause (ii), by striking the period at
12 the end and inserting a semicolon; and

13 (C) by adding at the end the following:

14 “(iii) the government concerned has taken
15 action to cooperate with antiterrorism efforts
16 during the preceding 6-month period; and

17 “(iv) the government concerned has pro-
18 vided assurances that it will support efforts to
19 fight terrorism in the future.”; and

20 (6) in paragraph (5)—

21 (A) in subparagraph (E), by striking
22 “and”;

23 (B) in subparagraph (F), by striking the
24 period at the end and inserting “; and”; and

25 (C) by adding at the end the following:

“(G) an analysis of the impact of the proposed export or transfer on the development of the foreign country’s ability to explore for, extract, refine, or transport petroleum or natural gas and the effects on the surrounding countries’ petroleum or natural gas resources and the ability to explore for these resources.”.

SEC. 6. CONDITIONAL SANCTIONS REGARDING INVESTMENT.

(a) FOREIGN INVESTMENT CONTROLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a validated license shall be required for the financial investment by a United States person in a foreign country if the President determines that the government of such country is not cooperating with United States antiterrorism efforts, including freezing the bank accounts of entities supporting terrorist activities, and sharing intelligence information regarding terrorist organizations with the United States.

(2) UNITED STATES PERSON DEFINED.—In this section, the term “United States person” means—

(A) a United States citizen;

1 (B) a partnership, corporation, or other
2 legal entity organized under the laws of the
3 United States; or

4 (C) a partnership, corporation, or other
5 legal entity that is organized under the laws of
6 a foreign country and is controlled by entities
7 described in subparagraph (B) or United States
8 citizens, or both.

9 (b) PROHIBITION ON LICENSES.—A license described
10 in subsection (a) shall not be issued if the President deter-
11 mines that the proposed financial investment would make
12 a significant contribution to—

13 (1) the military potential of the foreign country,
14 including its military logistics capability; or

15 (2) the development of the foreign country's
16 ability to explore for, extract, refine, or transport pe-
17 troleum or natural gas.

18 (c) PUBLICATION.—Each determination of the Presi-
19 dent under subsection (a), shall be published in the Fed-
20 eral Register.

21 (d) NOTIFICATION.—The President shall notify the
22 Committee on International Relations and the Committee
23 on Ways and Means of the House of Representatives and
24 the Committee on Banking, Housing, and Urban Affairs
25 and the Committee on Foreign Relations of the Senate

1 at least 30 days before issuing any validated license re-
2 quired by subsection (a).

3 (e) CONTENT OF NOTIFICATION.—The President
4 shall include in the notification required by subsection
5 (d)—

6 (1) a detailed description of the investment to
7 be offered for which a license to invest is sought;

8 (2) the reasons why the foreign country or
9 international organization to which the investment is
10 proposed to be made needs the investment and a de-
11 scription of the manner in which such country or or-
12 ganization intends to use such investment;

13 (3) an analysis of the impact of the proposed
14 investment on the military capabilities of the foreign
15 country or international organization to which such
16 investment would be made;

17 (4) an analysis of the manner in which the pro-
18 posed investment would affect the relative military
19 strengths of countries in the region to which the in-
20 vestment is being delivered and whether other coun-
21 tries in the region have comparable kinds and
22 amounts of investments;

23 (5) an analysis of the impact of the proposed
24 investment on the development of the foreign coun-
25 try's ability to explore for, extract, refine, or trans-

1 port by petroleum or natural gas and the effects on
2 the surrounding countries' petroleum or natural gas
3 resources and ability to explore for these resources;
4 and

5 (6) an analysis of the impact of the proposed
6 investment on the United States relations with the
7 countries in the region to which the investment is
8 being delivered.

9 (f) RESCISSION.—A determination made by the
10 President under subsection (a) may not be rescinded un-
11 less the President submits to the chairman of the Com-
12 mittee on International Relations and to the chairman of
13 the Committee on Ways and Means of the House of Rep-
14 resentatives, to the chairman of the Committee on Bank-
15 ing, Housing, and Urban Affairs and the chairman of the
16 Committee on Foreign Relations of the Senate, at least
17 45 days before the proposed rescission would take effect,
18 a report certifying that—

19 (1) there has been a fundamental change in the
20 policies of the government of the country concerned;

21 (2) the government is cooperating with United
22 States antiterrorism efforts;

23 (3) the government has provided assurances
24 that it will cooperate with future efforts to fight ter-
25 rorism; or

1 (4) the reasons why the proposed investment is
2 in the national security interest of the United
3 States.

4 **SEC. 7. ANNUAL REPORT.**

5 The President shall, not later than 30 days after the
6 date of enactment of this Act, and not later than Decem-
7 ber 31 of each year thereafter, submit a report to the
8 Committee on International Relations and the Committee
9 on Ways and Means of the House of Representatives, and
10 to the Committee on Banking, Housing, and Urban Af-
11 fairs and the Committee on Foreign Relations of the Sen-
12 ate, evaluating the implementation of the provisions of the
13 International Cooperation Against Terrorism Act of 2002
14 and the amendments made by such Act.

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