

PENDING

ARM11F59

Lusan M. Collins

S.L.C.

AS MODIFIED *Bob Casey, Jr.*

Jeanne Shaheen

MODIFICATION TO

AMENDMENT NO. 1180 Calendar No. _____

Purpose: Relating to man-portable air-defense systems originating from Libya.

99

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 1867

AMENDMENT NO. 1180

To :

By Collins

To: S. 1867

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and

GPO: 2010 63-070 (msc)

AMENDMENT intended to be proposed by Ms. COLLINS (for herself, Mrs. SHAHEEN, and Mr. CASEY)

Viz:

1 At the end of subtitle C of title XII, add the fol-
2 lowing:

3 SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGI-
4 NATING FROM LIBYA.

5 (a) STATEMENT OF POLICY.—Pursuant to section 11
6 of the Department of State Authorities Act of 2006 (22
7 U.S.C. 2349bb-6), the following is the policy of the United
8 States:

9 (1) To reduce and mitigate, to the greatest ex-
10 tent feasible, the threat posed to United States citi-

1 zens and citizens of allies of the United States by
2 man-portable air-defense systems (MANPADS) that
3 were in Libya as of March 19, 2011.

4 (2) To seek the cooperation of, and to assist,
5 the Government of Libya and governments of neigh-
6 boring countries and other countries (as determined
7 by the President) to secure, remove, or eliminate
8 stocks of man-portable air-defense systems described
9 in paragraph (1) that pose a threat to United States
10 citizens and citizens of allies of the United States.

11 (3) To pursue, as a matter of priority, an
12 agreement with the Government of Libya and gov-
13 ernments of neighboring countries and other coun-
14 tries (as determined by the Secretary of State) to
15 formalize cooperation with the United States to limit
16 the availability, transfer, and proliferation of man-
17 portable air-defense systems described in paragraph
18 (1).

19 (b) INTELLIGENCE COMMUNITY ASSESSMENT ON
20 MANPADS IN LIBYA.—

21 (1) IN GENERAL.—The Director of National In-
22 telligence shall submit to the appropriate committees
23 of Congress an assessment by the intelligence com-
24 munity that accounts for the disposition of, and the
25 threat to United States citizens and citizens of allies

1 of the United States posed by man-portable air-de-
2 fense systems that were in Libya as of March 19,
3 2011. The assessment shall be submitted as soon as
4 practicable, but not later than the end of the 45-day
5 period beginning on the date of the enactment of
6 this Act.

7 (2) ELEMENTS.—The assessment submitted
8 under this subsection shall include the following:

9 (A) An estimate of the number of man-
10 portable air-defense systems that were in Libya
11 as of March 19, 2011.

12 (B) An estimate of the number of man-
13 portable air-defense systems in Libya as of
14 March 19, 2011, that are currently in the se-
15 cure custody of the Government of Libya, the
16 United States, an ally of the United States, a
17 member of the North Atlantic Treaty Organiza-
18 tion (NATO), or the United Nations.

19 (C) An estimate of the number of man-
20 portable air-defense systems in Libya as of
21 March 19, 2011, that were destroyed, disabled,
22 or otherwise rendered unusable during Oper-
23 ation Unified Protector and since the end of
24 Operation Unified Protector.

1 (D) An assessment of the number of man-
2 portable air-defense systems that is the dif-
3 ference between the number of man-portable
4 air-defense systems in Libya as of March 19,
5 2011, and the cumulative number of man-port-
6 able air-defense systems accounted for under
7 subparagraphs (B) and (C), and the current
8 disposition and locations of such man-portable
9 air-defense systems.

10 (E) An assessment of the number of man-
11 portable air-defense systems that are currently
12 in the custody of militias in Libya.

13 (F) A list of any organizations designated
14 as terrorist organizations by the Department of
15 State, or affiliate organizations or members of
16 such organizations, that are known or believed
17 to have custody of any man-portable air-defense
18 systems that were in the custody of the Govern-
19 ment of Libya as of March 19, 2011.

20 (G) An assessment of the threat posed to
21 United States citizens and citizens of allies of
22 the United States from unsecured man-portable
23 air-defense systems (as defined in section 11 of
24 the Department of State Authorities Act of
25 2006) originating from Libya.

1 (H) An assessment of the effect of the pro-
2 liferation of man-portable air-defense systems
3 that were in Libya as of March 19, 2011, on
4 the price and availability of man-portable air-
5 defense systems that are on the global arms
6 market.

7 (3) NOTICE REGARDING DELAY IN SUB-
8 MITTAL.—If, before the end of the 45-day period
9 specified in paragraph (1), the Director determines
10 that the assessment required by that paragraph can-
11 not be submitted by the end of that period as re-
12 quired by that paragraph, the Director shall (before
13 the end of that period) submit to the appropriate
14 committees of Congress a report setting forth—

15 (A) the reasons why the assessment cannot
16 be submitted by the end of that period; and

17 (B) an estimated date for the submittal of
18 the assessment.

19 (c) COMPREHENSIVE STRATEGY ON THREAT OF
20 MANPADS ORIGINATING FROM LIBYA.—

21 (1) STRATEGY REQUIRED.—The President shall
22 develop and implement, and from time to time up-
23 date, a comprehensive strategy, pursuant to section
24 11 of the Department of State Authorities Act of
25 2006, to reduce and mitigate the threat posed to

1 United States citizens and citizens of allies of the
2 United States from man-portable air-defense sys-
3 tems that were in Libya as of March 19, 2011.

4 (2) REPORT REQUIRED.—

5 (A) IN GENERAL.—Not later than 45 days
6 after the assessment required by subsection (b)
7 is submitted to the appropriate committees of
8 Congress, the President shall submit to the ap-
9 propriate committees of Congress a report set-
10 ting forth the strategy required by paragraph
11 (1).

12 (B) ELEMENTS.—The report required by
13 this paragraph shall include the following:

14 (i) An assessment of the effectiveness
15 of efforts undertaken to date by the United
16 States, Libya, Mauritania, Egypt, Algeria,
17 Tunisia, Mali, Morocco, Niger, Chad, the
18 United Nations, the North Atlantic Treaty
19 Organization, and any other country or en-
20 tity (as determined by the President) to re-
21 duce the threat posed to United States citi-
22 zens and citizens of allies of the United
23 States from man-portable air-defense sys-
24 tems that were in Libya as of March 19,
25 2011.

1 (ii) A timeline for future efforts by
2 the United States, Libya, and neighboring
3 countries to—

4 (I) secure, remove, or disable any
5 man-portable air-defense systems that
6 remain in Libya;

7 (II) counter proliferation of man-
8 portable air-defense systems origi-
9 nating from Libya that are in the re-
10 gion; and

11 (III) disrupt the ability of terror-
12 ists, non-state actors, and state spon-
13 sors of terrorism to acquire such man-
14 portable air-defense systems.

15 (iii) A description of any additional
16 funding required to address the threat of
17 man-portable air-defense systems origi-
18 nating from Libya.

19 (iv) A description of technologies cur-
20 rently available to reduce the susceptibility
21 and vulnerability of civilian aircraft to
22 man-portable air-defense systems, includ-
23 ing an assessment of the feasibility of
24 using aircraft-based anti-missile systems to
25 protect United States passenger jets.

1 (v) Recommendations for the most ef-
2 fective policy measures that can be taken
3 to reduce and mitigate the threat posed to
4 United States citizens and citizens of allies
5 of the United States from man-portable
6 air-defense systems that were in Libya as
7 of March 19, 2011.

8 (vi) Such recommendations for legisla-
9 tive or administrative action as the Presi-
10 dent considers appropriate to implement
11 the strategy required by paragraph (1).

12 (C) FORM.—The report required by this
13 paragraph shall be submitted in unclassified
14 form, but may include a classified annex.

15 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term “appropriate commit-
17 tees of Congress” means—

18 (1) the Committee on Armed Services, the
19 Committee on Foreign Relations, and the Select
20 Committee on Intelligence of the Senate; and

21 (2) the Committee on Armed Services, the
22 Committee on Foreign Affairs, and the Permanent
23 Select Committee on Intelligence of the House of
24 Representatives.