

AMENDMENT NO. _____ Calendar No. _____

Purpose: To expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 4

To make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. THUNE

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . PROLIFERATION SECURITY INITIATIVE.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress, consistent with the 9/11 Commission’s rec-
5 ommendations, that the President should strive to expand
6 and strengthen the Proliferation Security Initiative (PSI)
7 announced by the President on May 31, 2003, with a par-
8 ticular emphasis on the following principles:

1 (1) The responsibility for ensuring the national
2 security of the United States rests exclusively with
3 the Government of the United States and should not
4 be delegated in whole or in part to any international
5 organization, agency, or tribunal or to the govern-
6 ment of any other country.

7 (2) The freedom of the Government of the
8 United States to act as it deems appropriate to en-
9 sure the security of the American people should not
10 be limited by, or made dependent upon, the action
11 or inaction of any international organization, agency,
12 or tribunal or by the government of any other coun-
13 try.

14 (3) The Constitution of the United States is the
15 supreme law of the land and cannot be subordinated
16 to, or superseded by, the decisions, rulings, or other
17 acts of any international organization, agency, or tri-
18 bunal or by the government of any other country.

19 (4) In carrying out its responsibility for ensur-
20 ing the national security of the United States, the
21 Government of the United States has sought and
22 should continue to seek the cooperation and support
23 of international organizations, agencies, and tribu-
24 nals, including the United Nations and its affiliated
25 organizations and agencies, as well as the govern-

1 ments of other countries, but no decision or act
2 taken by the Government of the United States re-
3 garding its responsibility to provide for the common
4 defense, promote the general welfare, and secure the
5 liberty of the American people should be deemed to
6 require authorization, permission, or approval by any
7 international organization, agency, or tribunal or by
8 the government of any other country.

9 (5) The United Nations Security Council should
10 not be asked to authorize the PSI under inter-
11 national law, and in order for the United Nations to
12 be helpful in combating terrorism and proliferation,
13 it should first—

14 (A) establish a comprehensive definition of
15 terrorism that condemns all acts by individuals,
16 resistance movements or other irregular mili-
17 tary groups, or nations intended to cause death
18 or serious injury to civilians or non-combatants
19 with the purpose of intimidating a population
20 or compelling a government to do or abstain
21 from doing any act;

22 (B) fulfill the September 2005 commit-
23 ment of the Summit of World Leaders to estab-
24 lish a comprehensive convention against ter-
25 rorism;

1 (C) have the United Nations Counter-Ter-
2 rorism Committee establish a list of individuals,
3 organizations, and states that commit terrorist
4 acts or support terrorist groups and activities;

5 (D) prohibit states under sanction for
6 human rights abuses or terrorism by the United
7 Nations Security Council from running for
8 seats on or chairing any United Nations body,
9 such as the Human Rights Council or the
10 United Nations Disarmament Commission;

11 (E) prohibit member states in violation of
12 Chapter 7 of the United Nations Charter and
13 seen as a threat to international security and
14 peace from sitting as non-permanent members
15 of the United Nations Security Council; and

16 (F) prohibit giving United Nations creden-
17 tials to nongovernmental organizations that
18 promote or condone terrorism or terrorist
19 groups.

20 (6) Formalizing the PSI into a multilateral re-
21 gime would severely hamper PSI's flexibility and
22 ability to adapt to changing conditions.

23 (b) STRENGTHENING THE PROLIFERATION SECU-
24 RITY INITIATIVE.—The President is not authorized to—

1 (1) seek to subject the Proliferation Security
2 Initiative to any authority, oversight, or resolution of
3 the United Nations Security Council, international
4 law, an international organization, agency, or tri-
5 bunal, or the government of any country not partici-
6 pating in the Proliferation Security Initiative; or

7 (2) formalize the Proliferation Security Initia-
8 tive into a multilateral regime.