

108TH CONGRESS
1ST SESSION

H. R. 1950

AN ACT

To establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005; and for other purposes.

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Millennium Challenge
3 Account, Peace Corps Expansion, and Foreign Relations
4 Authorization Act of 2003”.

5 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
6 **CONTENTS.**

7 (a) ORGANIZATION OF ACT INTO DIVISIONS.—This
8 Act is organized into five divisions as follows:

9 (1) DIVISION A.—Millennium Challenge Ac-
10 count Act of 2003.

11 (2) DIVISION B.—Peace Corps Expansion Act
12 of 2003.

13 (3) DIVISION C.—Department of State Author-
14 ization Act, Fiscal Years 2004 and 2005.

15 (4) DIVISION D.—Defense Trade and Security
16 Assistance Reform Act of 2003.

17 (5) DIVISION E.—Assistance for Viet Nam.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of act into divisions; table of contents.

Sec. 3. Definitions.

Sec. 4. Special rules for applying Buy American Act.

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Sunset.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

- Sec. 201. Findings; statement of policy.
- Sec. 202. Authorization of assistance.
- Sec. 203. Eligibility and related requirements.
- Sec. 204. Millennium Challenge Compact.
- Sec. 205. Suspension and termination of assistance.
- Sec. 206. Annual report.
- Sec. 207. Participation of certain United States businesses.
- Sec. 208. Authorization of appropriations; related authorities.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

- Sec. 301. Millennium Challenge Corporation.
- Sec. 302. Chief Executive Officer.
- Sec. 303. Board of Directors.
- Sec. 304. Interagency coordination.
- Sec. 305. Powers of the corporation; related provisions.
- Sec. 306. Transparency and accountability of the corporation.
- Sec. 307. Detail of personnel to the corporation; other authorities and limitations.
- Sec. 308. Millennium Challenge Advisory Council.
- Sec. 309. Millennium Challenge Seed Grants.
- Sec. 310. Clarification of role of USAID.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

- Sec. 401. Definition.
- Sec. 402. Framework for assistance.
- Sec. 403. Report relating to impact and effectiveness of assistance.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. Findings.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

- Sec. 1101. Advancing the goals of the Peace Corps.
- Sec. 1102. Reports and consultations.
- Sec. 1103. Special volunteer recruitment and placement for certain countries.
- Sec. 1104. Global infectious diseases initiative; coordination of HIV/AIDS activities.
- Sec. 1105. Peace Corps National Advisory Council.
- Sec. 1106. Readjustment allowances.
- Sec. 1107. Programs and projects of returned Peace Corps volunteers and former staff.
- Sec. 1108. Declaration of policy.
- Sec. 1109. Peace Corps in Sierra Leone.
- Sec. 1110. Authorization of appropriations.

DIVISION C—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

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- Sec. 111. Administration of foreign affairs.
- Sec. 112. United States educational and cultural programs.
- Sec. 113. Contributions to international organizations.
- Sec. 114. International commissions.
- Sec. 115. Migration and refugee assistance.
- Sec. 116. Voluntary contributions to international organizations.
- Sec. 117. Voluntary contributions for international peacekeeping activities.
- Sec. 118. Grants to the Asia Foundation.

Subtitle B—United States International Broadcasting Activities

- Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

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- Sec. 201. Findings and purposes.
- Sec. 202. Public diplomacy responsibilities of the Department of State.
- Sec. 203. Annual plan on public diplomacy strategy.
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- Sec. 221. United States policy with respect to Jerusalem as the capital of Israel.
- Sec. 222. Modification of reporting requirements.
- Sec. 223. Report concerning efforts to promote Israel's diplomatic relations with other countries.
- Sec. 224. Reimbursement rate for certain airlift services provided by the Department of Defense to the Department of State.
- Sec. 225. Sense of Congress regarding additional United States consular posts.
- Sec. 226. Validity of United States passports for travel to countries receiving United States foreign assistance.
- Sec. 227. GAO assessment of security capital cost sharing.
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- Sec. 229. Enhancing refugee resettlement and maintaining the United States commitment to refugees.
- Sec. 230. The Colin Powell Center for American Diplomacy.
- Sec. 231. Interference with protective functions.
- Sec. 232. Issuance of consular identification cards by foreign missions.

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- Sec. 251. Establishment of initiatives for predominantly Muslim countries.
- Sec. 252. Database of American and foreign participants in exchange programs.

- Sec. 253. Report on inclusion of freedom and democracy advocates in educational and cultural exchange programs.
- Sec. 254. Sense of the Congress concerning educational and cultural exchange program for foreign journalists.
- Sec. 255. Sense of Congress regarding Korean Fulbright programs.
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- Sec. 271. Machine readable visas.
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Subtitle B—United States International Leadership

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- Sec. 604. Statements of policy.
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 Sec. 730. Sense of Congress regarding migration issues between the United States and Mexico.
 Sec. 731. Sense of Congress concerning United States assistance to Palestinian refugees.
 Sec. 732. United States policy on World Bank Group loans to Iran.
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 Sec. 735. Sense of Congress concerning the timely issuance of visas for Russian weapons scientists involved in arms control and nonproliferation exchanges with the United States.
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- Sec. 741. Sense of Congress regarding allocation of resources for the Department of State as the central authority for the United States under the Hague Convention on intercountry adoption.
- Sec. 742. Transfer of Vietnam-era Cessna L-19D Bird Dog aircraft to Army Aviation Heritage Foundation.
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 Sec. 1336. Statement of House of Representatives regarding the Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
 Sec. 1337. Nonproliferation and Disarmament Fund.
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Sec. 1421. Probationary period for foreign persons.
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- Sec. 1806. Assistance to East Timor.
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Sec. 2001. Bilateral nonhumanitarian assistance.

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DEMOCRACY IN VIET NAM

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Sec. 2201. Radio Free Asia transmissions to Viet Nam.

Sec. 2202. United States educational and cultural exchange programs with Viet Nam.

TITLE XXIII—UNITED STATES REFUGEE POLICY

Sec. 2301. Refugee resettlement for nationals of Viet Nam.

TITLE XIV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM
AND DEMOCRACY IN VIET NAM

Sec. 2401. Annual report.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on Foreign Relations
6 of the Senate and the Committee on International
7 Relations of the House of Representatives.

8 (2) DEPARTMENT.—The term “Department”
9 means the Department of State.

10 (3) SECRETARY.—Except as otherwise provided,
11 the term “Secretary” means the Secretary of State.

12 **SEC. 4. SPECIAL RULES FOR APPLYING BUY AMERICAN**
13 **ACT.**

14 (a) ACQUISITIONS OF ARTICLES, MATERIALS, AND
15 SUPPLIES.—With respect to any acquisition under this

1 Act or any amendment made by this Act of articles, mate-
2 rials, or supplies that are subject to section 2 of the Buy
3 American Act (41 U.S.C. 10a), such section shall be ap-
4 plied to such acquisition by substituting “at least 65 per-
5 cent” for “substantially all”; or

6 (b) CONTRACTS FOR CONSTRUCTION, ALTERNATION,
7 OR REPAIR.—With respect to any contract for the con-
8 struction, alteration, or repair of any public building or
9 public work entered into under this Act or any amendment
10 made by this Act that is subject to section 3 of the Buy
11 American Act (41 U.S.C. 10b), such section shall be ap-
12 plied to such contract by substituting “at least 65 per-
13 cent” for “substantially all”.

14 **DIVISION A—MILLENNIUM**
15 **CHALLENGE ACCOUNT**
16 **TITLE I—GENERAL PROVISIONS**

17 **SEC. 101. SHORT TITLE.**

18 This division may be cited as the “Millennium Chal-
19 lenge Account Act of 2003”.

20 **SEC. 102. DEFINITIONS.**

21 In this division:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on International Rela-
2 tions and the Committee on Appropriations of
3 the House of Representatives; and

4 (B) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate.

7 (2) BOARD.—The term “Board” means the
8 Board of Directors of the Corporation established
9 pursuant to section 303 of this Act.

10 (3) COMPACT.—The term “Compact” means
11 the Millennium Challenge Compact described in sec-
12 tion 204 of this Act.

13 (4) CORPORATION.—The term “Corporation”
14 means the Millennium Challenge Corporation estab-
15 lished under section 301 of this Act.

16 (5) COUNCIL.—The term “Council” means the
17 Millennium Challenge Advisory Council established
18 under section 308 of this Act.

19 (6) MILLENNIUM DEVELOPMENT GOALS.—The
20 term “Millennium Development Goals” means the
21 key development objectives described in the United
22 Nations Millennium Declaration, as contained in
23 United Nations General Assembly Resolution 55/2
24 (September 2000), which aim to eradicate extreme
25 poverty and hunger, achieve universal primary edu-

1 cation, promote gender equality and empower
2 women, reduce child mortality, improve maternal
3 health, combat HIV/AIDS, malaria, and other infec-
4 tious diseases, ensure environmental sustainability,
5 and develop a global partnership for development.

6 **SEC. 103. SUNSET.**

7 All authorities under this division (other than title
8 IV) shall terminate on October 1, 2007.

9 **TITLE II—MILLENNIUM**
10 **CHALLENGE ASSISTANCE**

11 **SEC. 201. FINDINGS; STATEMENT OF POLICY.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) A principal objective of United States for-
14 eign assistance programs, as stated in section 101 of
15 the Foreign Assistance Act of 1961, is the “encour-
16 agement and sustained support of the people of de-
17 veloping countries in their efforts to acquire the
18 knowledge and resources essential to development
19 and to build the economic, political, and social insti-
20 tutions which will improve the quality of their lives”.

21 (2) The expanding acceptance of free trade and
22 open markets and the spread of democracy and the
23 rule of law have brought a better way of life to an
24 increasing number of people in the world.

1 (3) Inequalities between men and women under-
2 mine development and poverty-reduction efforts in
3 fundamental ways. A woman’s limited access to re-
4 sources and restrictions on the exercise of her rights,
5 including the right to participate in social and polit-
6 ical processes, disables her from maximizing her con-
7 tribution to her family’s health, education, and gen-
8 eral well-being.

9 (4) On March 14, 2002, the President noted
10 the successes of development assistance programs:
11 “The advances of free markets and trade and de-
12 mocracy and rule of law have brought prosperity to
13 an ever-widening circle of people in this world. Dur-
14 ing our lifetime, per capita income in the poorest
15 countries has nearly doubled. Illiteracy has been cut
16 by one-third, giving more children a chance to learn.
17 Infant mortality has been almost halved, giving more
18 children a chance to live.”.

19 (5) Development is neither an easy process nor
20 a linear one. There are successes and there are fail-
21 ures. Today, too many people are still living in pov-
22 erty, disease has eroded many of the economic and
23 social gains of previous decades, and many countries
24 have not adopted policies, for a variety of reasons,

1 that would enable them to compete in an open and
2 equitable international economic system.

3 (6) More countries and more people will be able
4 to participate in and benefit from the opportunities
5 afforded by the global economy if the following con-
6 ditions for sound and sustainable economic develop-
7 ment are met:

8 (A) SECURITY.—Security is necessary for
9 economic development. Persistent poverty and
10 oppression can lead to hopelessness, despair,
11 and to failed states that become havens for ter-
12 rorists.

13 (B) POLICIES THAT SUPPORT BROAD-
14 BASED ECONOMIC GROWTH.—Successful long-
15 term development can only occur through
16 broad-based economic growth that enables the
17 poor to increase their incomes and have access
18 to productive resources and services so that
19 they can lead lives of decency, dignity, and
20 hope.

21 (C) DEMOCRACY AND THE RULE OF
22 LAW.—Democratic development, political plu-
23 ralism, and respect for internationally recog-
24 nized human rights are intrinsically linked to
25 economic and social progress. The ability of

1 people to participate in the economic and polit-
2 ical processes affecting their lives is essential to
3 sustained growth. The rule of law and a com-
4 mitment to fight corruption is also critical to
5 the development of a prosperous society.

6 (D) INVESTMENTS IN PEOPLE.—Economic
7 growth and democracy can be sustained only if
8 both men and women have the basic tools and
9 capabilities that foster the opportunity for par-
10 ticipation in the economic, social, and political
11 life of their countries. Successful development
12 of countries requires citizens who are literate,
13 healthy, and prepared and able to work.

14 (7) Economic assistance programs authorized
15 under part I of the Foreign Assistance Act of 1961,
16 as administered by the United States Agency for
17 International Development and other Federal agen-
18 cies, are of critical importance in assisting countries
19 to be in a position to maximize the effectiveness of
20 assistance authorized by this title.

21 (8) It is in the national interest of the United
22 States to help those countries that are implementing
23 the economic and political reforms necessary for de-
24 velopment to occur.

1 (9) On March 14, 2002, the President stated
2 that the “growing divide between wealth and pov-
3 erty, between opportunity and misery, is both a chal-
4 lenge to our compassion and a source of instability
5 . . . [w]e must confront it . . . [w]e must include
6 every African, every Asian, every Latin American,
7 every Muslim, in an expanding circle of develop-
8 ment.”.

9 (10) The President has pledged that funds re-
10 quested for the Millennium Challenge Account shall
11 be in addition to, and not a substitute for, existing
12 development and humanitarian programs.

13 (11) Development assistance alone is not suffi-
14 cient to stimulate economic growth and development.
15 Assistance has been shown to have a positive impact
16 on growth and development in developing countries
17 with sound policies and institutions. If countries
18 have poor policies and institutions, however, it is
19 highly unlikely that assistance will have a net posi-
20 tive effect.

21 (12) Economic development, and the achieve-
22 ment of the Millennium Development Goals, must be
23 a shared responsibility between donor and recipient
24 countries.

1 (b) STATEMENT OF POLICY REGARDING A NEW
2 COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore,
3 the policy of the United States to support a new compact
4 for global development that—

5 (1) increases support by donor countries to
6 those developing countries that are fostering democ-
7 racy and the rule of law, investing in their people,
8 and promoting economic freedom for all their people;

9 (2) recognizes, however, that it is the devel-
10 oping countries themselves that are primarily re-
11 sponsible for the achievement of those goals;

12 (3) seeks to coordinate the disparate develop-
13 ment assistance policies of donor countries, and to
14 harmonize the trade and finance policies of donor
15 countries with their respective development assist-
16 ance programs; and

17 (4) aims to reduce poverty by significantly in-
18 creasing the economic growth trajectory of bene-
19 ficiary countries through investing in the productive
20 potential of the people of such countries.

21 **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

22 (a) ASSISTANCE.—The President, acting through the
23 Chief Executive Officer of the Millennium Challenge Cor-
24 poration, is authorized to provide assistance to eligible
25 countries to support policies and programs that advance

1 the progress of such countries in achieving lasting eco-
2 nomic growth and poverty reduction and are in further-
3 ance of the purposes of this title.

4 (b) PRINCIPAL OBJECTIVES.—Assistance provided
5 under subsection (a) should advance a country’s progress
6 toward promoting the following principal objectives:

7 (1) FOSTERING DEMOCRATIC SOCIETIES,
8 HUMAN RIGHTS, AND THE RULE OF LAW.—The as-
9 sistance should promote—

10 (A) political, social, and economic plu-
11 ralism;

12 (B) respect for the rule of law;

13 (C) anti-corruption initiatives and law en-
14 forcement;

15 (D) development of institutions of demo-
16 cratic governance, including electoral and legis-
17 lative processes;

18 (E) transparent and accountable public ad-
19 ministration at all levels of government;

20 (F) a fair, competent, and independent ju-
21 diciary; and

22 (G) a free and independent media.

23 (2) FOSTERING INVESTMENT IN EDUCATION
24 AND HEALTH INFRASTRUCTURE AND SYSTEMS.—

25 The assistance should foster improved educational

1 opportunities and health conditions, particularly for
2 women and children, including through—

3 (A) support for programs and personnel
4 that promote broad-based primary education,
5 including through the development of academic
6 curricula, by making available textbooks and
7 other educational materials, and through appro-
8 priate use of technology;

9 (B) support for programs to strengthen
10 and build institutions, including primary health
11 care systems, infrastructure, facilities, and per-
12 sonnel that provide quality health care;

13 (C) support for improved systems for the
14 delivery of healthy water and sanitation serv-
15 ices; and

16 (D) support for programs that reduce child
17 mortality (including those programs that com-
18 bat HIV/AIDS, malaria, tuberculosis, and other
19 infectious diseases, consistent with sections
20 104(c), 104A, 104B, and 104C of the Foreign
21 Assistance Act of 1961).

22 (3) PROMOTING ECONOMIC FREEDOM, BROAD-
23 BASED ECONOMIC GROWTH, AND FOSTERING FREE
24 MARKET SYSTEMS.—The assistance should foster the

1 institutions and conditions needed to promote free
2 market systems, trade, and investment, including—

3 (A) the reform and restructuring of bank-
4 ing and financial systems, including by allowing
5 foreign competition in the banking and financial
6 sectors, where appropriate;

7 (B) the development of transparent and ef-
8 ficient commercial codes and reduction in the
9 regulatory burden on business;

10 (C) the protection of property rights,
11 including—

12 (i) private property and intellectual
13 property rights, including through the
14 adoption and effective enforcement of intel-
15 lectual property treaties or international
16 agreements; and

17 (ii) the establishment and mainte-
18 nance of an efficient and integrated legal
19 property system that, among other things,
20 facilitates the ability of the poor, particu-
21 larly women, to convert physical and intel-
22 lectual assets into capital, such as utilizing
23 existing practices and customs that allow
24 assets to be documented in a manner that
25 makes the assets widely transferable,

1 leveragable, and fungible, that allows indi-
2 viduals to hold legal title to their property,
3 and that holds owners accountable for
4 transactions involving their property;

5 (D) support for market-based policies that
6 support increased agricultural production;

7 (E) a strong commitment to sound mone-
8 tary and budgetary policies;

9 (F) the development of small businesses,
10 private cooperatives, credit unions, and trade
11 and labor unions;

12 (G) the protection of internationally recog-
13 nized workers' rights; and

14 (H) the capacity of eligible countries to
15 ameliorate damage to the environment and re-
16 spect other environmental standards.

17 **SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.**

18 (a) ASSISTANCE FOR LOW INCOME COUNTRIES.—

19 (1) FISCAL YEAR 2004.—A country shall be eli-
20 gible to receive assistance under section 202 for fis-
21 cal year 2004 if—

22 (A) the country is eligible for assistance
23 from the International Development Associa-
24 tion, and the per capita income of the country
25 is equal to or less than the historical ceiling of

1 the International Development Association for
2 that year, as defined by the International Bank
3 for Reconstruction and Development;

4 (B) subject to paragraph (3), the country
5 is not ineligible to receive United States eco-
6 nomic assistance by reason of the application of
7 section 116, 490, or 620A of the Foreign As-
8 sistance Act of 1961, or by reason of the appli-
9 cation of any other provision of law; and

10 (C) the Chief Executive Officer of the Cor-
11 poration determines that the country has dem-
12 onstrated a commitment to—

13 (i) bolster democracy, human rights,
14 good governance and the rule of law;

15 (ii) invest in the health and education
16 of its citizens; and

17 (iii) promote sound economic policies
18 that promote economic freedom and oppor-
19 tunity.

20 (2) FISCAL YEARS 2005 AND 2006.—A country
21 shall be eligible to receive assistance under section
22 202 for fiscal years 2005 and 2006 if—

23 (A) the per capita income of the country is
24 equal to or less than the historical ceiling of the
25 International Development Association for the

1 fiscal year involved, as defined by the Inter-
2 national Bank for Reconstruction and Develop-
3 ment;

4 (B) the country meets the requirements of
5 paragraph (1)(B); and

6 (C) the country meets the requirements of
7 clauses (i) through (iii) of paragraph (1)(C), as
8 determined by the Chief Executive Officer.

9 (3) RULE OF CONSTRUCTION.—For the pur-
10 poses of determining whether a country is eligible
11 for receiving assistance under section 202 pursuant
12 to paragraph (1)(B), the exercise by the President,
13 the Secretary of State, or any other officer or em-
14 ployee of the United States of any waiver or suspen-
15 sion of any provision of law referred to in such para-
16 graph shall not be construed as satisfying the re-
17 quirement of such paragraph.

18 (b) ASSISTANCE FOR LOWER MIDDLE INCOME
19 COUNTRIES.—

20 (1) IN GENERAL.—In addition to countries de-
21 scribed in subsection (a), a country shall be eligible
22 to receive assistance under section 202 for fiscal
23 year 2006 if the country—

24 (A) is classified as a lower middle income
25 country in the then most recent edition of the

1 World Development Report published by the
2 International Bank for Reconstruction and De-
3 velopment;

4 (B) meets the requirements of subsection
5 (a)(1)(B); and

6 (C) meets the requirements of clauses (i)
7 through (iii) of subsection (a)(1)(C), as deter-
8 mined by the Chief Executive Officer.

9 (2) LIMITATION.—The total amount of assist-
10 ance provided to countries under this subsection for
11 fiscal year 2006 may not exceed 20 percent of the
12 total amount of assistance provided to all countries
13 under section 202 for fiscal year 2006.

14 (c) ASSISTANCE FOR SELECTED LOW INCOME COUN-
15 TRIES.—

16 (1) IN GENERAL.—A country shall be eligible to
17 receive assistance for any of fiscal years 2004
18 through 2006 solely for the purpose of becoming eli-
19 gible to receive assistance under subsection (a) if the
20 country—

21 (A) meets the requirements of paragraphs
22 (1)(B) and (2)(A) of subsection (a);

23 (B) demonstrates a commitment to meet-
24 ing the requirements of clauses (i) through (iii)

1 of subsection (a)(1)(C), as determined by the
2 Chief Executive Officer; but

3 (C) fails to meet the eligibility criteria nec-
4 essary to receive assistance under section 202,
5 as established under subsection (e).

6 (2) ADMINISTRATION.—Assistance for countries
7 eligible by reason of the application of this sub-
8 section shall be provided through the United States
9 Agency for International Development.

10 (3) ALLOCATION OF FUNDS.—Of the amount
11 authorized to be appropriated under section 208(a)
12 for a fiscal year, not more than 15 percent of such
13 amount is authorized to be appropriated to the
14 President for the fiscal year to carry out this sub-
15 section.

16 (d) GENERAL AUTHORITY TO DETERMINE ELIGI-
17 BILITY.—

18 (1) GENERAL AUTHORITY.—The Chief Execu-
19 tive Officer shall determine whether or not a country
20 is eligible to receive assistance under section 202.

21 (2) CONGRESSIONAL NOTIFICATION.—Not later
22 than 7 days after making a determination of eligi-
23 bility for a country under paragraph (1), the Chief
24 Executive Officer shall provide notice thereof to the
25 appropriate congressional committees. Such notice

1 shall include a certification of the determination of
2 the Chief Executive Officer that the country meets
3 the requirements of clauses (i) through (iii) of sub-
4 section (a)(1)(C) in accordance with such subsection,
5 subsection (a)(2)(C), subsection (b)(1)(C), or sub-
6 section (c)(1)(B), as the case may be.

7 (e) ELIGIBILITY CRITERIA.—

8 (1) INITIAL CRITERIA AND METHODOLOGY.—At
9 soon as practicable after the date of the enactment
10 of this Act, but not later than 30 days prior to mak-
11 ing any determination of eligibility for a country
12 under this section, the Chief Executive Officer—

13 (A) shall consult in-person with the appro-
14 priate congressional committees with respect to
15 the establishment of eligibility criteria and
16 methodology that the Chief Executive Officer
17 proposes to use for purposes of determining eli-
18 gibility under this section;

19 (B) shall establish such eligibility criteria
20 and methodology; and

21 (C) shall prepare and transmit to such
22 committees a written report that contains such
23 eligibility criteria and methodology.

24 (2) REVISIONS TO CRITERIA AND METHOD-
25 OLOGY.—If the Chief Executive Officer proposes to

1 use revised or different criteria from the criteria de-
2 scribed in paragraph (1) in making a determination
3 of eligibility for a country under this section, then,
4 not later than 15 days prior to making such deter-
5 mination, the Chief Executive Officer shall consult
6 in-person with the appropriate congressional com-
7 mittees with respect to such revised or different cri-
8 teria and methodology in accordance with paragraph
9 (1)(A) and shall prepare and transmit a written re-
10 port in accordance with paragraph (1)(C).

11 (f) FORM OF ASSISTANCE; RECIPIENTS.—

12 (1) FORM OF ASSISTANCE.—Assistance pro-
13 vided under section 202 for a country shall be pro-
14 vided to one or more of the entities described in
15 paragraph (2) on a nonrepayable basis and in ac-
16 cordance with a fair, open, and competitive selection
17 process that results in the awarding of such assist-
18 ance on a merit basis using selection criteria that
19 are made public by the Corporation in advance and
20 are otherwise in accordance with standard and cus-
21 tomary best practices for the provision of similar
22 types of assistance.

23 (2) RECIPIENTS.—The entities referred to in
24 paragraph (1) are the following:

1 (A) The national government of the coun-
2 try.

3 (B) Regional or local governmental units
4 of the country.

5 (C) Nongovernmental organizations, in-
6 cluding for-profit, not-for-profit, and voluntary
7 organizations.

8 (D) International organizations and trust
9 funds.

10 (g) CONGRESSIONAL NOTIFICATION.—The Chief Ex-
11 ecutive Officer may not make any grant or enter into any
12 contract for assistance for a country under section 202
13 that exceeds \$5,000,000 until 15 days after the date on
14 which the Chief Executive Officer provides notification of
15 the proposed grant or contract to the appropriate congres-
16 sional committees in accordance with the procedures appli-
17 cable to reprogramming notifications under section 634A
18 of the Foreign Assistance Act of 1961.

19 (h) PROHIBITION ON USE OF FUNDS.—The prohibi-
20 tions on use of funds contained in paragraphs (1) through
21 (3) of section 104(f) of the Foreign Assistance Act of
22 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds
23 made available to carry out this division to the same ex-
24 tent and in the same manner as such prohibitions apply
25 to funds made available to carry out part I of such Act.

1 **SEC. 204. MILLENNIUM CHALLENGE COMPACT.**

2 (a) COMPACT.—The President, acting through the
3 Chief Executive Officer of the Corporation, may provide
4 assistance to an eligible country under section 202 only
5 if the country enters into a contract with the United
6 States, to be known as a “Millennium Challenge Com-
7 pact”, that establishes a multi-year plan for achieving
8 shared development objectives in furtherance of the pur-
9 poses of this title, and only if the President, acting
10 through the Chief Executive Officer, provides to Congress
11 notice regarding such Compact pursuant to subsection (h).

12 (b) ELEMENTS.—

13 (1) IN GENERAL.—The Compact shall take into
14 account the national development strategy of the eli-
15 gible country and shall contain—

16 (A) the specific objectives that the country
17 and the United States expect to achieve;

18 (B) the responsibilities of the country and
19 the United States in the achievement of such
20 objectives;

21 (C) regular benchmarks to measure, where
22 appropriate, progress toward achieving such ob-
23 jectives;

24 (D) an identification of the intended bene-
25 ficiaries, disaggregated by income level, gender,
26 and age, to the maximum extent practicable;

1 (E) a multi-year financial plan, including
2 the estimated amount of contributions by the
3 Corporation and the country and proposed
4 mechanisms to implement the plan and provide
5 oversight, that describes how the requirements
6 of subparagraphs (A) through (D) will be met,
7 including identifying the role of civil society in
8 the achievement of such requirements;

9 (F) where appropriate, a description of the
10 responsibility of other donors in the achieve-
11 ment of such objectives; and

12 (G) a plan to ensure appropriate fiscal ac-
13 countability for the use of assistance provided
14 under section 202.

15 (2) LOWER MIDDLE INCOME COUNTRIES.—In addi-
16 tion to the elements described in subparagraphs (A)
17 through (G) of paragraph (1), with respect to a lower mid-
18 dle income country described in section 203(b), the Com-
19 pact shall identify an appropriate contribution from the
20 country relative to its national budget, taking into account
21 the prevailing economic conditions, toward meeting the ob-
22 jectives of the Compact. Such contribution shall be in ad-
23 dition to government spending allocated for such purposes
24 in the country's budget for the year immediately preceding

1 the establishment of the Compact and shall continue for
2 the duration of the Compact.

3 (c) DEFINITION.—In subsection (b), the term “na-
4 tional development strategy” means any strategy to
5 achieve market-driven economic growth that has been de-
6 veloped by the government of the country in consultation
7 with a wide variety of civic participation, including non-
8 governmental organizations, private and voluntary organi-
9 zations, academia, women and student organizations, local
10 trade and labor unions, and the business community.

11 (d) ADDITIONAL PROVISION RELATING TO PROHIBI-
12 TION ON TAXATION.—In addition to the elements de-
13 scribed in subsection (b), each Compact shall contain a
14 provision that states that assistance provided by the
15 United States under the Compact shall be exempt from
16 taxation by the government of the eligible country.

17 (e) LOCAL INPUT.—In entering into a Compact, the
18 United States and the eligible country—

19 (1) shall take into account the local-level per-
20 spectives of the rural and urban poor in the eligible
21 country; and

22 (2) should consult with private and voluntary
23 organizations, the business community, and other
24 donors, in the eligible country.

1 (f) CONSULTATION.—During any discussions with a
2 country for the purpose of entering into a Compact with
3 the country, officials of the Corporation participating in
4 such discussions shall, at a minimum, consult with appro-
5 priate officials of the United States Agency for Inter-
6 national Development, particularly with those officials re-
7 sponsible for the appropriate region or country on develop-
8 ment issues related to the Compact.

9 (g) COORDINATION WITH OTHER DONORS.—To the
10 maximum extent feasible, activities undertaken to achieve
11 the objectives of the Compact shall be undertaken in co-
12 ordination with the assistance activities of other donors.

13 (h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—
14 Not later than 15 days prior to entering into a Compact
15 with an eligible country, the President, acting through the
16 Chief Executive Officer—

17 (1) shall consult in-person with the appropriate
18 congressional committees with respect to the pro-
19 posed Compact;

20 (2) shall provide notification of the proposed
21 Compact to the appropriate congressional commit-
22 tees in accordance with the procedures applicable to
23 reprogramming notifications under section 634A of
24 the Foreign Assistance Act of 1961;

1 (3) shall prepare and transmit to such commit-
2 tees a written report that contains a detailed sum-
3 mary of the proposed Compact and a copy of the full
4 text of the Compact; and

5 (4) shall publish such detailed summary and
6 full text of the proposed Compact in the Federal
7 Register and on the Internet website of the Corpora-
8 tion.

9 (i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—
10 Notwithstanding subsection (a), the Chief Executive Offi-
11 cer may enter into contracts or make grants for any eligi-
12 ble country for the purpose of facilitating the development
13 of the Compact between the United States and the coun-
14 try.

15 **SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.**

16 (a) SUSPENSION OF ASSISTANCE.—

17 (1) IN GENERAL.—The President shall suspend
18 assistance in whole or in part for a country under
19 this title if the President determines that—

20 (A) the country is engaged in activities
21 which are contrary to the national security in-
22 terests of the United States;

23 (B) the elected head of state of the country
24 or any member of the country's highest judicial
25 tribunal has been removed from that office or

1 forcibly detained through extra-constitutional
2 processes; or

3 (C) the country has failed to adhere to its
4 responsibilities under the Compact.

5 (2) REINSTATEMENT.—The President may re-
6 instate assistance for a country under this title only
7 if the President determines that the country has
8 demonstrated a commitment to correcting each con-
9 dition for which assistance was suspended under
10 paragraph (1).

11 (3) CONGRESSIONAL NOTIFICATION.—A suspen-
12 sion of assistance under paragraph (1), or a rein-
13 statement of assistance under paragraph (2), shall
14 be effective beginning 15 days after the date on
15 which the President transmits to the appropriate
16 congressional committees a report that contains the
17 determination of the President under paragraph (1)
18 or paragraph (2), as the case may be.

19 (b) TERMINATION OF ASSISTANCE.—

20 (1) IN GENERAL.—The President, acting
21 through the Chief Executive Officer of the Corpora-
22 tion, shall terminate all assistance for a country
23 under this title if the President determines that the
24 country has consistently failed to adhere to its re-

1 sponsibilities under the Compact or has significantly
2 failed to meet the requirements of this title.

3 (2) CONGRESSIONAL NOTIFICATION.—A termi-
4 nation of assistance under paragraph (1) shall be ef-
5 fective beginning 15 days after the date on which
6 the President, acting through the Chief Executive
7 Officer, provides notification of the proposed termi-
8 nation of assistance to the congressional committees
9 specified in section 634A(a) of the Foreign Assist-
10 ance Act of 1961 in accordance with the procedures
11 applicable to reprogramming notifications under that
12 section.

13 **SEC. 206. ANNUAL REPORT.**

14 (a) REPORT.—Not later than April 1, 2005, and not
15 later than April 1 of each year thereafter, the Chief Exec-
16 utive Officer of the Corporation shall prepare and trans-
17 mit to the appropriate congressional committees a report
18 on the implementation of this title for the preceding year.

19 (b) CONTENTS.—The report shall include the fol-
20 lowing:

21 (1) A description and assessment of the eligi-
22 bility criteria and methodology utilized by the Chief
23 Executive Officer to determine eligibility for each
24 country under section 203.

1 (2) A description of the agreed upon measures
2 of progress contained in each Compact.

3 (3)(A) An analysis, on a country-by-country,
4 project-by-project basis, of the impact of assistance
5 provided under this title on the economic develop-
6 ment of each country.

7 (B) For each country, the analysis shall—

8 (i) to the maximum extent possible, be
9 done on a sector-by-sector basis, gender basis,
10 and per capita income basis, and identify trends
11 within each of these bases;

12 (ii) identify economic policy reforms condu-
13 cive to economic development that are sup-
14 ported by assistance provided under this title;

15 (iii) describe, in quantified terms to the ex-
16 tent practicable, the progress made in achieving
17 assistance objectives for the country;

18 (iv) describe the amount and nature of eco-
19 nomic assistance provided by other major do-
20 nors which further the purposes of this title;
21 and

22 (v) discuss the commitment and contribu-
23 tion of the country to achieving the assistance
24 objectives contained in its Compact.

1 (4) A description and assessment of property
2 rights in each country, including—

3 (A) the total value of legal and extralegal
4 property and business holdings;

5 (B) the average time required to acquire
6 land; and

7 (C) the average time required to register
8 and wind up a business enterprise.

9 **SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES**
10 **BUSINESSES.**

11 (a) PARTICIPATION.—To the maximum extent prac-
12 ticable, the President, acting through the Chief Executive
13 Officer, shall ensure that United States small, minority-
14 owned, and disadvantaged business enterprises fully par-
15 ticipate in the provision of goods and services that are fi-
16 nanced with funds made available under this title.

17 (b) REPORT.—The Chief Executive Officer shall pre-
18 pare and submit to the appropriate congressional commit-
19 tees an annual report that contains a description of the
20 extent to which the requirement of subsection (a) has been
21 met for the preceding year.

22 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED**
23 **AUTHORITIES.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the President, acting

1 through the Chief Executive Officer of the Corporation,
2 to carry out this division (other than title IV)
3 \$1,300,000,000 for fiscal year 2004, \$3,000,000,000 for
4 fiscal year 2005, and \$5,000,000,000 for fiscal year 2006.

5 (b) ADDITIONAL AUTHORITIES.—Amounts appro-
6 priated pursuant to the authorization of appropriations
7 under subsection (a)—

8 (1) may be referred to as the “Millennium
9 Challenge Account”;

10 (2) are authorized to remain available until ex-
11 pended; and

12 (3) are in addition to amounts otherwise avail-
13 able for such purposes.

14 **TITLE III—MILLENNIUM**
15 **CHALLENGE CORPORATION**

16 **SEC. 301. MILLENNIUM CHALLENGE CORPORATION.**

17 (a) ESTABLISHMENT.—There is hereby established in
18 the executive branch a corporation to be known as the
19 “Millennium Challenge Corporation” that shall be respon-
20 sible for carrying out title II.

21 (b) GOVERNMENT CORPORATION.—The Corporation
22 shall be a Government corporation, as defined in section
23 103 of title 5, United States Code.

1 **SEC. 302. CHIEF EXECUTIVE OFFICER.**

2 (a) APPOINTMENT.—The Corporation shall be head-
3 ed by an individual who shall serve as Chief Executive Of-
4 ficer of the Corporation, who shall be appointed by the
5 President, by and with the advice and consent of the Sen-
6 ate.

7 (b) COMPENSATION AND RANK.—

8 (1) IN GENERAL.—The Chief Executive Officer
9 shall be compensated at the rate provided for level
10 II of the Executive Schedule under section 5313 of
11 title 5, United States Code, and shall have the equiv-
12 alent rank of Deputy Secretary.

13 (2) AMENDMENT.—Section 5313 of title 5,
14 United States Code, is amended by adding at the
15 end the following:

16 “Chief Executive Officer, Millennium Challenge
17 Corporation.”.

18 (c) AUTHORITIES AND DUTIES.—The Chief Execu-
19 tive Officer shall exercise the powers and discharge the
20 duties of the Corporation and any other duties, as con-
21 ferred on the Chief Executive Officer by the President.

22 (d) AUTHORITY TO APPOINT OFFICERS.—The Chief
23 Executive Officer shall appoint all officers of the Corpora-
24 tion.

1 **SEC. 303. BOARD OF DIRECTORS.**

2 (a) IN GENERAL.—There shall be in the Corporation
3 a Board of Directors.

4 (b) DUTIES.—The Board may prescribe, amend, and
5 repeal bylaws, rules, regulations, and procedures gov-
6 erning the manner in which the business of the Corpora-
7 tion may be conducted and in which the powers granted
8 to it by law may be exercised.

9 (c) MEMBERSHIP.—

10 (1) IN GENERAL.—The Board shall consist of—

11 (A) the Secretary of State, the Secretary
12 of Treasury, the Administrator of the United
13 States Agency for International Development,
14 the Chief Executive Officer of the Corporation,
15 and the United States Trade Representative;
16 and

17 (B) four other individuals who shall be ap-
18 pointed by the President, by and with the ad-
19 vice and consent of the Senate, of which—

20 (i) one individual shall be appointed
21 from among a list of individuals submitted
22 by the majority leader of the House of
23 Representatives;

24 (ii) one individual shall be appointed
25 from among a list of individuals submitted

1 by the minority leader of the House of
2 Representatives;

3 (iii) one individual shall be appointed
4 from among a list of individuals submitted
5 by the majority leader of the Senate; and

6 (iv) one individual shall be appointed
7 from among a list of individuals submitted
8 by the minority leader of the Senate.

9 (2) EX-OFFICIO MEMBERS.—In addition to
10 members of the Board described in paragraph (1),
11 the Director of the Office of Management and Budg-
12 et, the President and Chief Executive Officer of the
13 Overseas Private Investment Corporation, the Direc-
14 tor of the Trade and Development Agency, and the
15 Director of the Peace Corps shall be non-voting
16 members, ex officio, of the Board.

17 (d) TERMS.—

18 (1) OFFICERS OF FEDERAL GOVERNMENT.—
19 Each member of the Board described in paragraphs
20 (1)(A) and (2) of subsection (c) shall serve for a
21 term that is concurrent with the term of service of
22 the individual's position as an officer within the
23 other Federal department or agency.

24 (2) OTHER MEMBERS.—Each member of the
25 Board described in subsection (c)(1)(B) shall be ap-

1 pointed for a term of 3 years and may be re-
2 appointed for a term of an additional 2 years.

3 (3) VACANCIES.—A vacancy in the Board shall
4 be filled in the manner in which the original appoint-
5 ment was made.

6 (e) CHAIRPERSON.—The Secretary of State shall
7 serve as the Chairperson of the Board.

8 (f) QUORUM.—A majority of the members of the
9 Board shall constitute a quorum, which shall include at
10 least one member of the Board described in subsection
11 (c)(1)(B).

12 (g) MEETINGS.—The Board shall meet at the call of
13 the Chairperson.

14 (h) COMPENSATION.—

15 (1) OFFICERS OF FEDERAL GOVERNMENT.—

16 (A) IN GENERAL.—A member of the Board
17 described in paragraphs (1)(A) and (2) of sub-
18 section (c) may not receive additional pay, al-
19 lowances, or benefits by reason of their service
20 on the Board.

21 (B) TRAVEL EXPENSES.—Each such mem-
22 ber of the Board shall receive travel expenses,
23 including per diem in lieu of subsistence, in ac-
24 cordance with applicable provisions under sub-

1 chapter I of chapter 57 of title 5, United States
2 Code.

3 (2) OTHER MEMBERS.—

4 (A) IN GENERAL.—Except as provided in
5 paragraph (2), a member of the Board de-
6 scribed in subsection (c)(1)(B)—

7 (i) shall be paid compensation out of
8 funds made available for the purposes of
9 this title at the daily equivalent of the
10 highest rate payable under section 5332 of
11 title 5, United States Code, for each day
12 (including travel time) during which the
13 member is engaged in the actual perform-
14 ance of duties as a member of the Board;
15 and

16 (ii) while away from the member's
17 home or regular place of business on nec-
18 essary travel, as determined by the Chief
19 Executive Officer, in the actual perform-
20 ance of duties as a member of the Board,
21 shall be paid per diem, travel, and trans-
22 portation expenses in the same manner as
23 is provided under subchapter I of chapter
24 57 of title 5, United States Code.

1 necessary for carrying out the functions of the Cor-
2 poration;

3 (4) may determine and prescribe the manner in
4 which its obligations shall be incurred and its ex-
5 penses allowed and paid, including expenses for rep-
6 resentation not exceeding \$95,000 in any fiscal year;

7 (5) may lease, purchase, or otherwise acquire,
8 own, hold, improve, use or otherwise deal in and
9 with such property (real, personal, or mixed) or any
10 interest therein, wherever situated, as may be nec-
11 essary for carrying out the functions of the Corpora-
12 tion;

13 (6) may accept gifts or donations of services or
14 of property (real, personal, or mixed), tangible or in-
15 tangible, in furtherance of the purposes of this divi-
16 sion;

17 (7) may hire or obtain passenger motor vehi-
18 cles;

19 (8) may use the United States mails in the
20 same manner and on the same conditions as the Ex-
21 ecutive departments (as defined in section 101 of
22 title 5, United States Code);

23 (9) may, with the consent of any Executive
24 agency (as defined in section 105 of title 5, United
25 States Code), use the information, services, facilities,

1 and personnel of that agency on a full or partial re-
2 imbursement in carrying out the purposes of this di-
3 vision; and

4 (10) may sue and be sued, complain, and de-
5 fend, in its corporate name in any court of com-
6 petent jurisdiction.

7 (b) OFFICES.—

8 (1) PRINCIPAL OFFICE.—The Corporation shall
9 maintain its principal office in the metropolitan area
10 of Washington, District of Columbia.

11 (2) OTHER OFFICES.—The Corporation may es-
12 tablish other offices in any place or places outside
13 the United States in which the Corporation may
14 carry out any or all of its operations and business.

15 (c) COOPERATION WITH OTHER FEDERAL DEPART-
16 MENTS AND AGENCIES.—In order to avoid unnecessary
17 expense and duplication of functions, efforts, and activities
18 between the Corporation and other Federal departments
19 and agencies the Chief Executive Officer, or the Chief Ex-
20 ecutive Officer's designee—

21 (1)(A) shall consult, to the maximum extent
22 practicable, with the Administrator of the United
23 States Agency for International Development, or the
24 Administrator's designee, in order to coordinate the

1 activities of the Corporation and the Agency for
2 International Development; and

3 (B) shall consult with the heads of other de-
4 partments and agencies to ensure similar coordina-
5 tion of activities;

6 (2)(A) shall ensure proper coordination of ac-
7 tivities of the Corporation with the provision of de-
8 velopment assistance of relevant international finan-
9 cial institutions, including the International Bank
10 for Reconstruction and Development, the Inter-
11 national Monetary Fund, and the regional multilat-
12 eral development banks; and

13 (B) shall provide to each United States Execu-
14 tive Director (or other United States representative)
15 to the relevant international financial institutions a
16 copy of each proposed Compact between the United
17 States and an eligible country and a copy of each
18 such final Compact.

19 (d) POSITIONS WITH FOREIGN GOVERNMENTS.—
20 When approved by the Corporation, in furtherance of its
21 purposes, employees of the Corporation (including individ-
22 uals detailed to the Corporation) may accept and hold of-
23 fices or positions to which no compensation is attached
24 with governments or governmental agencies of foreign
25 countries or with international organizations.

1 **SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE**
2 **CORPORATION.**

3 The Corporation and its officers and employees shall
4 be subject to the provisions of section 552 of title 5,
5 United States Code (relating to freedom of information).

6 **SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION;**
7 **OTHER AUTHORITIES AND LIMITATIONS.**

8 (a) **DETAIL OF PERSONNEL.**—Upon request of the
9 Chief Executive Officer of the Corporation, the head of
10 an agency may detail any employee of such agency to the
11 Corporation on a fully or partially reimbursable basis. Any
12 employee so detailed remains, for the purpose of pre-
13 serving such employee's allowances, privileges, rights, se-
14 niority, and other benefits, an employee of the agency
15 from which detailed.

16 (b) **LIMITATION ON TOTAL SERVICE.**—

17 (1) **IN GENERAL.**—Except as provided in para-
18 graph (2), no individual may serve in or under the
19 Corporation (whether as an employee of the Cor-
20 poration, a detailee to the Corporation, or a com-
21 bination thereof) for a total period exceeding 5
22 years.

23 (2) **EXCEPTIONS.**—

24 (A) **EXTENSION AUTHORITY.**—The Chief
25 Executive Officer may extend the 5-year period
26 under paragraph (1) for up to an additional 3

1 years, in the case of any particular individual,
2 if the Chief Executive Officer determines that
3 such extension is essential to the achievement of
4 the purposes of this division.

5 (B) OFFICERS.—Nothing in this sub-
6 section shall limit the period for which an indi-
7 vidual may serve as an officer of the Corpora-
8 tion appointed pursuant to section 302(d) nor
9 shall any period of service as such an officer be
10 taken into account for purposes of applying this
11 subsection.

12 (c) REEMPLOYMENT RIGHTS.—

13 (1) IN GENERAL.—An employee of an agency
14 who is serving under a career or career conditional
15 appointment (or the equivalent), and who, with the
16 consent of the head of such agency, transfers to the
17 Corporation, is entitled to be reemployed in such em-
18 ployee's former position or a position of like senior-
19 ity, status, and pay in such agency, if such
20 employee—

21 (A) is separated from the Corporation—

22 (i) by reason of the application of sub-
23 section (b); or

1 (ii) for any other reason, other than
2 misconduct, neglect of duty, or malfea-
3 sance; and

4 (B) applies for reemployment not later
5 than 90 days after the date of separation from
6 the Corporation.

7 (2) SPECIFIC RIGHTS.—An employee who satis-
8 fies paragraph (1) is entitled to be reemployed (in
9 accordance with such paragraph) within 30 days
10 after applying for reemployment and, on reemploy-
11 ment, is entitled to at least the rate of basic pay to
12 which such employee would have been entitled had
13 such employee never transferred.

14 (d) BASIC PAY.—The Chief Executive Officer may fix
15 the rate of basic pay of employees of the Corporation with-
16 out regard to the provisions of—

17 (1) chapter 51 of title 5, United States Code
18 (relating to the classification of positions), and

19 (2) subchapter III of chapter 53 of such title
20 (relating to General Schedule pay rates),

21 except that no employee of the Corporation may receive
22 a rate of basic pay that exceeds the rate for level II of
23 the Executive Schedule under section 5313 of such title.

24 (e) ASSIGNMENT TO UNITED STATES EMBASSIES.—
25 An employee of the Corporation, including an individual

1 detailed to or contracted by the Corporation, may be as-
2 signed to a United States diplomatic mission or consular
3 post, or United States Agency for International Develop-
4 ment field mission.

5 (f) PRIVILEGES AND IMMUNITIES.—The Secretary of
6 State shall seek to ensure that an employee of the Cor-
7 poration, including an individual detailed to or contracted
8 by the Corporation, and the members of the family of such
9 employee, while the employee is performing duties in any
10 country or place outside the United States, enjoy the privi-
11 leges and immunities that are enjoyed by a member of
12 the Foreign Service, or the family of a member of the For-
13 eign Service, as appropriate, of comparable rank and sal-
14 ary of such employee, if such employee or a member of
15 the family of such employee is not a national of or perma-
16 nently resident in such country or place.

17 (g) RESPONSIBILITY OF CHIEF OF MISSION.—An
18 employee of the Corporation, including an individual de-
19 tailed to or contracted by the Corporation, and a member
20 of the family of such employee, shall be subject to section
21 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)
22 in the same manner as United States Government employ-
23 ees while the employee is performing duties in any country
24 or place outside the United States if such employee or

1 member of the family of such employee is not a national
2 of or permanently resident in such country or place.

3 (h) ALLOCATION OF FUNDS.—

4 (1) IN GENERAL.—The Corporation may allo-
5 cate or transfer to the United States Agency for
6 International Development or any other agency any
7 part of any funds available for carrying out the pur-
8 poses of this division. Such funds shall be available
9 for obligation and expenditure for the purposes for
10 which authorized, in accordance with authority
11 granted in this title or under authority governing the
12 activities of the agencies of the United States Gov-
13 ernment to which such funds are allocated or trans-
14 ferred.

15 (2) CONGRESSIONAL NOTIFICATION.—The
16 Chief Executive Officer shall notify the appropriate
17 congressional committees not later than 15 days
18 prior to a transfer of funds under paragraph (1)
19 that exceeds \$5,000,000.

20 (3) USE OF SERVICES.—For carrying out the
21 purposes of this division, the Corporation may utilize
22 the services and facilities of, or procure commodities
23 from, any agency under such terms and conditions
24 as may be agreed to by the head of the agency and
25 the Corporation.

1 (i) FUNDING LIMITATION.—Of the funds allocated
2 under subsection (h) in any fiscal year, not more than 7
3 percent of such funds may be used for administrative ex-
4 penses.

5 (j) OTHER AUTHORITIES.—Except to the extent in-
6 consistent with the provisions of this division, the adminis-
7 trative authorities under chapters 1 and 2 of part III of
8 the Foreign Assistance Act of 1961 shall apply to the pro-
9 vision of assistance under this division to the same extent
10 and in the same manner as such authorities apply to the
11 provision of economic assistance under part I of such Act.

12 (k) APPLICABILITY OF GOVERNMENT CORPORATION
13 CONTROL ACT.—

14 (1) IN GENERAL.—The Corporation shall be
15 subject to the provisions of chapter 91 of subtitle VI
16 of title 31, United States Code, except that the Cor-
17 poration shall not be authorized to issue obligations
18 or offer obligations to the public.

19 (2) CONFORMING AMENDMENT.—Section
20 9101(3) of title 31, United States Code, is amended
21 by adding at the end the following:

22 “(Q) the Millennium Challenge Corpora-
23 tion.”

24 (l) INSPECTOR GENERAL.—

1 (1) IN GENERAL.—The Inspector General of
2 the United States Agency for International Develop-
3 ment shall serve as Inspector General of the Cor-
4 poration, and, in acting in such capacity, may con-
5 duct reviews, investigations, and inspections of all
6 aspects of the operations and activities of the Cor-
7 poration.

8 (2) AUTHORITY OF THE BOARD.—In carrying
9 out its responsibilities under this subsection, the In-
10 spector General shall report to and be under the
11 general supervision of the Board of Directors.

12 (3) REIMBURSEMENT AND AUTHORIZATION OF
13 SERVICES.—

14 (A) REIMBURSEMENT.—The Corporation
15 shall reimburse the United States Agency for
16 International Development for all expenses in-
17 curred by the Inspector General in connection
18 with the Inspector General's responsibilities
19 under this subsection.

20 (B) AUTHORIZATION FOR SERVICES.—Of
21 the amount authorized to be appropriated
22 under section 208(a) for a fiscal year, up to
23 \$1,000,000 is authorized to be made available
24 to the Inspector General of the United States
25 Agency for International Development to con-

1 duct reviews, investigations, and inspections of
2 operations and activities of the Corporation.

3 (m) COMPTROLLER GENERAL.—

4 (1) IN GENERAL.—The Comptroller General
5 shall conduct audits, evaluations, and investigations
6 of the Corporation.

7 (2) SCOPE.—The activities and financial trans-
8 actions of the Corporation for any fiscal year during
9 which Federal funds are available to finance any
10 portion of its operations may be evaluated, inves-
11 tigated, or audited by the Comptroller General in ac-
12 cordance with such rules and regulations as may be
13 prescribed by the Comptroller General.

14 (3) ACCESS AND RECORDS.—Any evaluation, in-
15 vestigation, or audit shall be conducted at the place
16 or places where pertinent information of the Cor-
17 poration is normally kept. The representatives of the
18 General Accounting Office shall have access to all
19 books, accounts, financial records, reports, files, and
20 other papers or property belonging to or in use by
21 the Corporation and necessary to facilitate the eval-
22 uation, investigation, or audit; and full facilities for
23 verifying transactions with the balances and securi-
24 ties held by depositories, fiscal agents, and
25 custodians shall be afforded to such representatives.

1 All such books, accounts, financial records, reports,
2 files, and other papers or property of the Corpora-
3 tion shall remain in the possession and custody of
4 the Corporation throughout the period beginning on
5 the date such possession or custody commences and
6 ending three years after such date, but the General
7 Accounting Office may require the retention of such
8 books, accounts, financial records, reports, files, pa-
9 pers, or property for a longer period under section
10 3523(e) of title 31, United States Code.

11 (4) REPORT.—A report of such audit, evalua-
12 tion, or investigation shall be made by the Comp-
13 troller General to the appropriate congressional com-
14 mittees and to the President, together with such rec-
15 ommendations with respect thereto as the Comp-
16 troller General shall deem advisable.

17 (n) DEFINITIONS.—For purposes of this section—

18 (1) the term “agency” means an Executive
19 agency, as defined by section 105 of title 5, United
20 States Code; and

21 (2) the term “detail” means the assignment or
22 loan of an employee, without a change of position,
23 from the agency by which such employee is employed
24 to the Corporation.

1 **SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.**

2 (a) ESTABLISHMENT.—There is hereby established in
3 the executive branch an advisory council to the Corpora-
4 tion to be known as the Millennium Challenge Advisory
5 Council.

6 (b) FUNCTIONS.—

7 (1) GENERAL FUNCTIONS.—The Council shall
8 advise and consult with the Chief Executive Officer
9 of the Corporation and the Board of Directors with
10 respect to policies and programs designed to further
11 the purposes of this division and shall periodically
12 report to the Congress with respect to the activities
13 of the Corporation. In addition, the Council shall re-
14 view on an annual basis the criteria and method-
15 ology used to determine eligibility of countries for
16 assistance under title II and make recommendations
17 to the Chief Executive Officer and the Board to im-
18 prove the effectiveness of such criteria and method-
19 ology in order to achieve the purposes of this divi-
20 sion.

21 (2) ADDITIONAL FUNCTIONS.—Members of the
22 Council shall (subject to subsection (d)(1)) conduct
23 on-site inspections, and make examinations, of the
24 activities of the Corporation in the United States
25 and in other countries in order to—

1 (A) evaluate the accomplishments of the
2 Corporation;

3 (B) assess the potential capabilities and
4 the future role of the Corporation;

5 (C) make recommendations to the Chief
6 Executive Officer, the Board of Directors, and
7 Congress, for the purpose of guiding the future
8 direction of the Corporation and of helping to
9 ensure that the purposes and programs of the
10 Corporation are carried out in ways that are ec-
11 onomical, efficient, responsive to changing
12 needs in developing countries and to changing
13 relationships among people, and in accordance
14 with law;

15 (D) make such other evaluations, assess-
16 ments, and recommendations as the Council
17 considers appropriate.

18 (3) PUBLIC PARTICIPATION.—The Council may
19 provide for public participation in its activities, con-
20 sistent with section 552b of title 5, United States
21 Code.

22 (c) MEMBERSHIP.—

23 (1) IN GENERAL.—The Council shall consist of
24 seven individuals, who shall be appointed by the
25 Chief Executive Officer, and who shall be broadly

1 representative of nongovernmental entities with ex-
2 pertise and interest in international trade and eco-
3 nomic development, including business and business
4 associations, trade and labor unions, private and vol-
5 untary organizations, foundations, public policy or-
6 ganizations, academia, and other entities as the
7 Chief Executive Officer determines appropriate.

8 (2) ADDITIONAL REQUIREMENT.—No member
9 appointed under paragraph (1) may be an officer or
10 employee of the United States Government.

11 (d) COMPENSATION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), a member of the Council—

14 (A) shall be paid compensation out of
15 funds made available for the purposes of this
16 title at the daily equivalent of the highest rate
17 payable under section 5332 of title 5, United
18 States Code, for each day (including travel
19 time) during which the member is engaged in
20 the actual performance of duties as a member
21 of the Council; and

22 (B) while away from the member's home
23 or regular place of business on necessary travel,
24 as determined by the Chief Executive Officer, in
25 the actual performance of duties as a member

1 of the Council, shall be paid per diem, travel,
2 and transportation expenses in the same man-
3 ner as is provided under subchapter I of chap-
4 ter 57 of title 5, United States Code.

5 (2) LIMITATION.—A member of the Council
6 may not be paid compensation under paragraph
7 (1)(A) for more than thirty days in any calendar
8 year.

9 (e) QUORUM.—A majority of the members of the
10 Council shall constitute a quorum for the purposes of
11 transacting any business.

12 (f) FINANCIAL INTERESTS OF MEMBERS.—A member
13 of the Council shall disclose to the Chairperson of the
14 Council and the Chief Executive Officer of the existence
15 of any direct or indirect financial interest of that member
16 in any particular matter before the Council and may not
17 vote or otherwise participate as a Council member with
18 respect to that particular matter.

19 (g) CHAIRPERSON.—The Chief Executive Officer
20 shall designate one of the members of the Council as
21 Chairperson, who shall serve in that capacity for a term
22 of two years. The Chief Executive Officer may renew the
23 term of the member appointed as Chairperson under the
24 preceding sentence.

25 (h) MEETINGS, BYLAWS, AND REGULATIONS.—

1 (1) MEETINGS.—The Council shall hold a reg-
2 ular meeting during each calendar quarter and shall
3 meet at the call of the President, the Chief Execu-
4 tive Officer, the Chairperson of the Board, the
5 Chairperson of the Council, or two members of the
6 Council.

7 (2) BYLAWS AND REGULATIONS.—The Council
8 shall prescribe such bylaws and regulations as it
9 considers necessary to carry out its functions. Such
10 bylaws and regulations shall include procedures for
11 fixing the time and place of meetings, giving or
12 waiving of notice of meetings, and keeping of min-
13 utes of meetings.

14 (i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE
15 OFFICER, AND BOARD.—

16 (1) REPORT.—Not later than January 1, 2005,
17 and not later than January 1 of each year thereafter
18 that the Corporation is in existence, the Council
19 shall submit to the President, the Chief Executive
20 Officer, and the Board a report on its views on the
21 programs and activities of the Corporation.

22 (2) CONTENTS.—Each report shall contain a
23 summary of the advice and recommendations pro-
24 vided by the Council to the Chief Executive Officer
25 and the Board during the period covered by the re-

1 report and such recommendations (including rec-
2 ommendations for administrative or legislative ac-
3 tion) as the Council considers appropriate to make
4 to the Congress.

5 (3) ADDITIONAL REQUIREMENT.—Not later
6 than 90 days after receiving each such report, the
7 Chief Executive Officer shall transmit to Congress a
8 copy of the report, together with any comments con-
9 cerning the report that the Chief Executive Officer
10 considers appropriate.

11 (j) ADMINISTRATIVE ASSISTANCE.—The Chief Exec-
12 utive Officer shall make available to the Council such per-
13 sonnel, administrative support services, and technical as-
14 sistance as are necessary to carry out its functions effec-
15 tively.

16 (k) TERMINATION.—Section 14(a)(2)(B) of the Fed-
17 eral Advisory Committee Act (5 U.S.C. App.; relating to
18 the termination of advisory committees) shall not apply
19 to the Council. Notwithstanding section 102 of this Act,
20 the authorities of the Council shall terminate on December
21 31, 2007.

22 **SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) Many countries in the developing world lack
25 the academic and public policy advocacy base essen-

1 tial to attaining the principal objectives of the Mil-
2 lennium Challenge Account.

3 (2) Because of widespread government repres-
4 sion of free speech and poverty, the countries of Af-
5 rica in particular suffer an acute shortage of non-
6 governmental organizations which effectively study
7 and promote the principal objectives of the Millen-
8 nium Challenge Account.

9 (3) Many developing countries, particularly low
10 income countries, lack the institutional capacity to
11 enhance the quality and accuracy of data upon
12 which the eligibility criteria in section 203 relies.
13 Such countries may also lack the ability to monitor
14 and evaluate development projects effectively.

15 (4) The Millennium Challenge Account will
16 struggle to reach its goals unless countries in the de-
17 veloping world possess a home grown intellectual
18 commitment and culture of advocacy aimed at pro-
19 moting its principal objectives.

20 (b) ASSISTANCE.—The Chief Executive Officer of the
21 Corporation is authorized to provide assistance in support
22 of nongovernmental organizations (including universities,
23 independent foundations, and other organizations) in low
24 income and lower middle income countries, and, where ap-
25 propriate, directly to agencies of foreign governments in

1 low income countries, that are undertaking research, edu-
2 cation, and advocacy efforts aimed at promoting demo-
3 cratic societies, human rights, the rule of law, improved
4 educational opportunities and health conditions, particu-
5 larly for women and children, and economic freedom, in-
6 cluding research aimed at improving data related to the
7 eligibility criteria and methodology established by this divi-
8 sion with respect to such a country or monitoring and
9 evaluating the impact of assistance provided under this di-
10 vision.

11 (c) LIMITATION.—Not more than \$10,000,000 of the
12 amount made available to carry out this division for a fis-
13 cal year may be made available to carry out this section.

14 **SEC. 310. CLARIFICATION OF ROLE OF USAID.**

15 (a) STATUS OF USAID.—The Administrator of the
16 United States Agency for International Development shall
17 report to the President through, and operate under the
18 foreign policy authority and direction of, the Secretary of
19 State. The United States Agency for International Devel-
20 opment shall be administered under the supervision and
21 operational direction of the Administrator of the Agency.

22 (b) FUNCTIONS OF USAID.—The United States
23 Agency for International Development is authorized—

24 (1) to receive appropriated funds;

1 (2) to be the United States Government agency
2 primarily responsible for administering sections 103
3 through 108 (other than section 104A), 214, and
4 491 of the Foreign Assistance Act of 1961, the
5 “Child Survival and Health Programs Fund”, and
6 other United States economic assistance as directed
7 in writing by the President or the Secretary of
8 State, or as otherwise provided by law;

9 (3) to provide assistance to a country currently
10 ineligible for assistance provided under title II in
11 order that it may become eligible for such assist-
12 ance; and

13 (4) upon the request of the Chief Executive Of-
14 ficer of the Corporation and with the concurrence of
15 the Administrator of the Agency, to assist in the
16 evaluation, execution, and oversight of Millennium
17 Challenge Compacts described in section 204.

18 **TITLE IV—PROVISIONS RELAT-**
19 **ING TO UNITED STATES ECO-**
20 **NOMIC ASSISTANCE**

21 **SEC. 401. DEFINITION.**

22 In this title, the term “United States economic assist-
23 ance” means any bilateral economic assistance, from any
24 budget functional category, that is provided by any depart-

1 ment or agency of the United States to a foreign country,
2 including such assistance that is intended—

3 (A) to assist the development and economic
4 advancement of friendly foreign countries and
5 peoples, including assistance provided under
6 title II (relating to the Millennium Challenge
7 Account);

8 (B) to promote the freedom, aspirations, or
9 sustenance of friendly peoples under oppressive
10 rule by unfriendly governments;

11 (C) to promote international trade and for-
12 eign direct investment as a means of aiding eco-
13 nomic growth;

14 (D) to save lives and alleviate suffering of
15 foreign peoples during or following war, natural
16 disaster, or complex crisis;

17 (E) to assist in recovery and rehabilitation
18 of countries or peoples following disaster or
19 war;

20 (F) to protect refugees and promote dura-
21 ble solutions to aid refugees;

22 (G) to promote sound environmental prac-
23 tices;

1 (H) to assist in development of democratic
2 institutions and good governance by the people
3 of foreign countries;

4 (I) to promote peace and reconciliation or
5 prevention of conflict;

6 (J) to improve the technical capacities of
7 governments to reduce production of and de-
8 mand for illicit narcotics; and

9 (K) to otherwise promote through bilateral
10 foreign economic assistance the national objec-
11 tives of the United States.

12 **SEC. 402. FRAMEWORK FOR ASSISTANCE.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that a coherent framework for United States eco-
15 nomic assistance should be established in accordance with
16 this section.

17 (b) ELEMENTS.—The framework described in sub-
18 section (a) includes the following elements:

19 (1) The United States Agency for International
20 Development, under the direction and foreign policy
21 guidance of the Secretary of State, should be respon-
22 sible for—

23 (A) providing assistance to countries that
24 face natural and man-made disasters in order
25 to provide humanitarian relief to the peoples of

1 such countries, in coordination with refugee
2 programs administered by the Department of
3 State;

4 (B) providing assistance to countries that
5 are suffering from conflicts or are in post-con-
6 flict situations in order to provide humanitarian
7 relief, transition assistance, and reconstruction
8 assistance;

9 (C) providing assistance to help moderate-
10 to-poorly performing countries achieve develop-
11 ment progress in the areas described in part I
12 of the Foreign Assistance Act of 1961, includ-
13 ing progress toward becoming eligible for assist-
14 ance under this title, and to promote inter-
15 national health worldwide, as well as assisting
16 in the development of country and regional de-
17 velopment strategies;

18 (D) addressing transnational problems,
19 such as environmental degradation, food insecur-
20 ity, and health problems; and

21 (E) assisting other Federal departments
22 and agencies, including the Corporation estab-
23 lished under title III, to carry out assistance ac-
24 tivities abroad, including providing technical as-
25 sistance and advice to such departments and

1 agencies, coordinating its assistance programs
2 with such departments and agencies, and using
3 its field offices to help implement such assist-
4 ance.

5 (2) The Corporation established under title III
6 should provide assistance to countries that have
7 demonstrated a commitment to bolstering democ-
8 racy, good governance, and the rule of law, to invest-
9 ing in the health and educations of their people, and
10 to promoting sound economic policies that foster
11 economic opportunity for their people.

12 (3) The Department of State should be respon-
13 sible for allocating security assistance to support key
14 foreign policy objectives of the United States and
15 shall administer assistance in such areas as non-pro-
16 liferation, anti-terrorism, counter-narcotics, and re-
17 lief for refugees.

18 (4) Other Federal departments and agencies
19 with expertise in international development-related
20 activities, such as the Overseas Private Investment
21 Corporation, the Trade and Development Agency,
22 the Department of Agriculture, the Department of
23 Health and Human Services, and the Centers for
24 Disease Control and Prevention, to the extent such
25 departments and agencies have the authority to

1 carry out development-related programs, and in co-
2 ordination with the Department of State and the
3 United States Agency for International Develop-
4 ment, should provide expertise in specific technical
5 areas and shall provide assistance, including assist-
6 ance provided with funds made available from the
7 Corporation to assist United States Government
8 international development activities.

9 **SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVE-**
10 **NESS OF ASSISTANCE.**

11 (a) REPORT.—Not later than December 31, 2004,
12 and December 31 of each third year thereafter, the Presi-
13 dent shall transmit to Congress a report which analyzes,
14 on a country-by-country basis, the impact and effective-
15 ness of United States economic assistance furnished under
16 the framework established in section 402 to each country
17 during the preceding three fiscal years. The report shall
18 include the following for each recipient country:

19 (1) An analysis of the impact of United States
20 economic assistance during the preceding three fiscal
21 years on economic development in that country, with
22 a discussion of the United States interests that were
23 served by the assistance. This analysis shall be done
24 on a sector-by-sector basis to the extent possible and
25 shall identify any economic policy reforms which

1 were promoted by the assistance. This analysis
2 shall—

3 (A) include a description, quantified to the
4 extent practicable, of the specific objectives the
5 United States sought to achieve in providing
6 economic assistance for that country, and

7 (B) specify the extent to which those objec-
8 tives were not achieved, with an explanation of
9 why they were not achieved.

10 (2) A description of the amount and nature of
11 economic assistance provided by other donors during
12 the preceding three fiscal years, set forth by develop-
13 ment sector to the extent possible.

14 (3) A discussion of the commitment of the host
15 government to addressing the country's needs in
16 each development sector, including a description of
17 the resources devoted by that government to each
18 development sector during the preceding three fiscal
19 years.

20 (4) A description of the trends, both favorable
21 and unfavorable, in each development sector.

22 (5) Statistical and other information necessary
23 to evaluate the impact and effectiveness of United
24 States economic assistance on development in the
25 country.

1 (6) A comparison of the analysis provided in
2 the report with relevant analyses by international fi-
3 nancial institutions, other international organiza-
4 tions, other donor countries, or nongovernmental or-
5 ganizations.

6 (b) LISTING OF MOST AND LEAST SUCCESSFUL AS-
7 SISTANCE PROGRAMS.—The report required by this sec-
8 tion shall identify—

9 (1) each country in which United States eco-
10 nomic assistance has been most successful, as indi-
11 cated by the extent to which the specific objectives
12 the United States sought to achieve in providing the
13 assistance for the country, as referred to in sub-
14 section (a)(1)(A), were achieved; and

15 (2) each country in which United States eco-
16 nomic assistance has been least successful, as indi-
17 cated by the extent to which the specific objectives
18 the United States sought to achieve in providing the
19 assistance for the country, as referred to in sub-
20 section (a)(1)(A), were not achieved.

21 For each country listed pursuant to paragraph (2), the
22 report shall explain why the assistance was not more suc-
23 cessful and shall specify what the United States has done
24 as a result.

1 (d) DE MINIMUS EXCEPTION.—Information under
2 subsections (a) and (b) for a fiscal year shall not be re-
3 quired with respect to a country for which United States
4 economic assistance for the country for the fiscal year is
5 less than \$5,000,000.

6 **DIVISION B—REAUTHORIZATION**
7 **AND EXPANSION OF THE**
8 **PEACE CORPS**
9 **TITLE X—GENERAL PROVISIONS**

10 **SEC. 1001. SHORT TITLE.**

11 This division may be cited as the “Peace Corps Ex-
12 pansion Act of 2003”.

13 **SEC. 1002. DEFINITIONS.**

14 In this division:

15 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
16 **TEES.**—The term “appropriate congressional com-
17 mittees” means the Committee on International Re-
18 lations of the House of Representatives and the
19 Committee on Foreign Relations of the Senate.

20 (2) **DIRECTOR.**—The term “Director” means
21 the Director of the Peace Corps.

22 (3) **HOST COUNTRY.**—The term “host country”
23 means a country whose government has invited the
24 Peace Corps to establish a Peace Corps program
25 within the territory of the country.

1 (4) PEACE CORPS VOLUNTEER.—The term
2 “Peace Corps volunteer” means a volunteer or a vol-
3 unteer leader under the Peace Corps Act.

4 (5) RETURNED PEACE CORPS VOLUNTEER.—
5 The term “returned Peace Corps volunteer” means
6 a person who has been certified by the Director as
7 having served satisfactorily as a Peace Corps volun-
8 teer.

9 **SEC. 1003. FINDINGS.**

10 Congress makes the following findings:

11 (1) The Peace Corps was established in 1961 to
12 promote world peace and friendship through the
13 service abroad of volunteers who are United States
14 citizens. The spirit of service and commitment to
15 helping others is a fundamental component of de-
16 mocracy.

17 (2) Since its establishment, more than 168,000
18 volunteers have served in the Peace Corps in 136
19 countries throughout the world.

20 (3) The three goals codified in the Peace Corps
21 Act which have guided the Peace Corps and its vol-
22 unteers over the years, can work in concert to pro-
23 mote global acceptance of the principles of inter-
24 national peace and nonviolent coexistence among

1 peoples of diverse cultures and systems of govern-
2 ment.

3 (4) The Peace Corps has sought to fulfill three
4 goals—to help people in developing countries meet
5 basic needs, promote understanding abroad of the
6 values and ideals of the United States, and promote
7 an understanding of other peoples by the people of
8 the United States.

9 (5) After more than 40 years of operation, the
10 Peace Corps remains the world's premier inter-
11 national service organization dedicated to promoting
12 grassroots development by working with families and
13 communities to improve health care for children, ex-
14 pand agricultural production, teach in schools, fight
15 infectious diseases, protect the environment, and ini-
16 tiate small business opportunities.

17 (6) The Peace Corps remains committed to
18 sending well trained and well supported Peace Corps
19 volunteers overseas to promote international peace,
20 cross-cultural awareness, and mutual understanding
21 between the United States and other countries.

22 (7) The Peace Corps is an independent agency,
23 and, therefore, no Peace Corps personnel or volun-
24 teers should be used to accomplish any goal other
25 than the goals established by the Peace Corps Act.

1 (8) The Crisis Corps has been an effective tool
2 in harnessing the skills and talents of returned
3 Peace Corps volunteers and should be expanded, to
4 the maximum extent practicable, to utilize the talent
5 of returned Peace Corps volunteers.

6 (9) In fiscal year 2003, the Peace Corps is op-
7 erating with an annual budget of \$295,000,000 in
8 70 countries, with more than 7,000 Peace Corps vol-
9 unteers.

10 (10) There is deep misunderstanding and mis-
11 information in many parts of the world, particularly
12 in countries with substantial Muslim populations,
13 with respect to United States values and ideals. A
14 new or expanded Peace Corps presence in such
15 places could foster better understanding between the
16 people of the United States and such countries.

17 (11) Congress has declared, and the Peace
18 Corps Act provides, that the Peace Corps shall
19 maintain, to the maximum extent practicable and
20 appropriate, a volunteer corps of at least 10,000 in-
21 dividuals.

22 (12) President George W. Bush has called for
23 the doubling of the number of Peace Corps volun-
24 teers in service.

1 (13) Any expansion of the Peace Corps should
2 not jeopardize the quality of the Peace Corps volun-
3 teer experience and, therefore, necessitates, among
4 other things, an appropriate increase in field and
5 headquarters support staff.

6 (14) In order to ensure that the proposed ex-
7 pansion of the Peace Corps preserves the integrity of
8 the program and the security of volunteers, the inte-
9 grated Planning and Budget System supported by
10 the Office of Planning and Policy Analysis should
11 continue its focus on strategic planning.

12 (15) A streamlined, bipartisan Peace Corps Na-
13 tional Advisory Council composed of distinguished
14 returned Peace Corps volunteers, former Peace
15 Corps staff, and other individuals with diverse
16 backgrounds and expertise can be a source of ideas
17 and suggestions that may be useful to the Director
18 of the Peace Corps as the Director discharges the
19 duties and responsibilities as head of the agency.

20 **TITLE XI—AMENDMENTS TO**
21 **PEACE CORPS ACT; RELATED**
22 **PROVISIONS**

23 **SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.**

24 (a) RECRUITMENT OF VOLUNTEERS.—Section 2A of
25 the Peace Corps Act (22 U.S.C. 2501–1) is amended by

1 adding at the end the following new sentence: “As an inde-
2 pendent agency, the Peace Corps shall be responsible for
3 recruiting all of its volunteers.”.

4 (b) DETAILS AND ASSIGNMENTS.—Section 5(g) of
5 the Peace Corps Act (22 U.S.C. 2504(g)) is amended by
6 striking “*Provided, That*” and inserting “*Provided, That*
7 such detail or assignment furthers the fulfillment of Peace
8 Corps’ development and public diplomacy goals as de-
9 scribed in section 2: *Provided further, That*”.

10 **SEC. 1102. REPORTS AND CONSULTATIONS.**

11 (a) ANNUAL REPORTS; CONSULTATIONS ON NEW
12 INITIATIVES.—Section 11 of the Peace Corps Act (22
13 U.S.C. 2510) is amended by striking the section heading
14 and the text of section 11 and inserting the following:

15 **“SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INI-**
16 **TIATIVES.**

17 “(a) ANNUAL REPORTS.—The Director shall trans-
18 mit to Congress, at least once in each fiscal year, a report
19 on operations under this Act. Each report shall contain
20 information—

21 “(1) describing efforts undertaken to improve
22 coordination of activities of the Peace Corps with ac-
23 tivities of international voluntary service organiza-
24 tions, such as the United Nations volunteer pro-

1 gram, and of host country voluntary service organi-
2 zations, including—

3 “(A) a description of the purpose and
4 scope of any development project which the
5 Peace Corps undertook during the preceding
6 fiscal year as a joint venture with any such
7 international or host country voluntary service
8 organizations; and

9 “(B) recommendations for improving co-
10 ordination of development projects between the
11 Peace Corps and any such international or host
12 country voluntary service organizations;

13 “(2) describing—

14 “(A) any major new initiatives that the
15 Peace Corps has under review for the upcoming
16 fiscal year, and any major initiatives that were
17 undertaken in the previous fiscal year that were
18 not included in prior reports to the Congress;

19 “(B) the rationale for undertaking such
20 new initiatives;

21 “(C) an estimate of the cost of such initia-
22 tives; and

23 “(D) the impact on the safety of volun-
24 teers;

1 “(3) describing in detail the Peace Corps plans,
2 including budgetary plans, to have 14,000 volunteers
3 in service by 2007 while maintaining the quality of
4 the volunteer experience, ensuring the safety and se-
5 curity of all volunteers, and providing for appro-
6 priate administrative and other support; and

7 “(4) describing standard security procedures for
8 any country in which the Peace Corps operates pro-
9 grams or is considering doing so, as well as any spe-
10 cial security procedures contemplated because of
11 changed circumstances in specific countries, and as-
12 sessing whether security conditions would be
13 enhanced—

14 “(A) by co-locating volunteers with inter-
15 national or local nongovernmental organiza-
16 tions; or

17 “(B) with the placement of multiple volun-
18 teers in one location.

19 “(b) CONSULTATIONS ON NEW INITIATIVES.—The
20 Director of the Peace Corps shall consult with the appro-
21 priate congressional committees with respect to any major
22 new initiatives not previously discussed in the latest an-
23 nual report submitted to Congress under subsection (a)
24 or in budget presentations. Whenever possible, such con-

1 sultations should take place prior to the initiation of such
2 initiatives, or as soon as practicable thereafter.”.

3 (b) ONE-TIME REPORT ON STUDENT LOAN FOR-
4 GIVENESS PROGRAMS.—Not later than 30 days after the
5 date of enactment of this Act, the Director shall submit
6 to the appropriate congressional committees a report—

7 (1) describing the student loan forgiveness pro-
8 grams currently available to Peace Corps volunteers
9 upon completion of their service;

10 (2) comparing such programs with other Gov-
11 ernment-sponsored student loan forgiveness pro-
12 grams; and

13 (3) recommending any additional student loan
14 forgiveness programs which could attract more ap-
15 plications from low- and middle-income individuals
16 who are carrying considerable student-loan debt bur-
17 dens.

18 (c) ANNUAL REPORT TO CONGRESS ON THE FED-
19 ERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM
20 (FEORP).—Not later than 90 days after the date of en-
21 actment of this Act and annually thereafter, the Director
22 shall report on the progress of the Peace Corps in recruit-
23 ing historically underrepresented groups. The Director
24 shall prepare this report in accordance with section 7201

1 of title 5, United States Code, and subpart B of part 720
2 of title 5, Code of Federal Regulations.

3 (d) REPORT ON MAINTAINING THE INTEGRITY OF
4 THE MEDICAL SCREENING AND MEDICAL PLACEMENT
5 COORDINATION PROCESSES.—Not later than 120 days
6 after the date of enactment of this Act, the Director shall
7 prepare and submit to the appropriate congressional com-
8 mittees a report that—

9 (1) describes the medical screening procedures
10 and standards of the Office of Medical Services/
11 Screening Unit of the Peace Corps to determine
12 whether an applicant for Peace Corps service has
13 worldwide clearance, limited clearance, a deferral pe-
14 riod, or is not medically, including psychologically,
15 qualified to serve in the Peace Corps as a volunteer;

16 (2) describes the procedures and criteria for
17 matching applicants for Peace Corps service with a
18 host country to ensure that the applicant, reasonable
19 accommodations notwithstanding, can complete at
20 least two years of volunteer service without interrup-
21 tion to host country national projects due to foresee-
22 able medical conditions; and

23 (3) with respect to each of fiscal years 2000
24 through 2002 and the first six months of fiscal year
25 2003, states the number of—

1 (A) medical screenings conducted;

2 (B) applicants who have received world-
3 wide clearance, limited clearance, deferral peri-
4 ods, and medical disqualifications to serve;

5 (C) Peace Corps volunteers who the agency
6 has had to separate from service due to the dis-
7 covery of undisclosed medical information; and

8 (D) Peace Corps volunteers who have ter-
9 minated their service early due to medical, in-
10 cluding psychological, reasons.

11 **SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND**
12 **PLACEMENT FOR CERTAIN COUNTRIES.**

13 (a) REPORT.—Not later than 60 days after the date
14 of enactment of this Act, the Director shall submit to the
15 appropriate congressional committees a report that—

16 (1) describes the recruitment strategies to be
17 employed by the Peace Corps to recruit and train
18 volunteers with the appropriate language skills and
19 interest in serving in host countries; and

20 (2) lists the countries that the Director has de-
21 termined should be priorities for special recruitment
22 and placement of Peace Corps volunteers.

23 (b) USE OF RETURNED PEACE CORPS VOLUNTEERS
24 AND FORMER STAFF.—The Director is authorized and
25 strongly urged to utilize the services of returned Peace

1 Corps volunteers and former Peace Corps staff who have
2 relevant language and cultural experience and may have
3 served previously in countries with substantial Muslim
4 populations, in order to open or reopen Peace Corps pro-
5 grams in such countries.

6 **SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; CO-**
7 **ORDINATION OF HIV/AIDS ACTIVITIES.**

8 (a) INITIATIVE.—

9 (1) IN GENERAL.—The Director, in cooperation
10 with international public health experts, such as the
11 Centers for Disease Control and Prevention, the Na-
12 tional Institutes of Health, the World Health Orga-
13 nization, the Pan American Health Organization,
14 and local public health officials, shall expand the
15 Peace Corps' program of training for Peace Corps
16 volunteers in the areas of education, prevention, and
17 treatment of infectious diseases which are prevalent
18 in host countries in order to ensure that the Peace
19 Corps increases its contribution to the global cam-
20 paign against such diseases.

21 (2) ADDITIONAL REQUIREMENT.—Activities for
22 the education, prevention, and treatment of infec-
23 tious diseases in host countries by the Peace Corps
24 shall be undertaken in a manner that is consistent
25 with activities authorized under sections 104(c),

1 104A, 104B, and 104C of the Foreign Assistance
2 Act of 1961.

3 (b) COORDINATION OF HIV/AIDS ACTIVITIES.—

4 (1) IN GENERAL.—The Director should des-
5 ignate an officer or employee of the Peace Corps
6 who is located in the United States to coordinate all
7 HIV/AIDS activities within the Peace Corps. Such
8 individual may be an individual who is an officer or
9 employee of the Peace Corps on the date of the en-
10 actment of this Act.

11 (2) FIELD COORDINATION.—In addition to the
12 position established under paragraph (1), the Direc-
13 tor should designate an individual within each coun-
14 try in sub-Saharan Africa, the Western Hemisphere,
15 and Asia in which Peace Corps volunteers carry out
16 HIV/AIDS activities to coordinate all such activities
17 of the Peace Corps in such countries.

18 (c) DEFINITIONS.—In this section:

19 (1) AIDS.—The term “AIDS” means the ac-
20 quired immune deficiency syndrome.

21 (2) HIV.—The term “HIV” means the human
22 immunodeficiency virus, the pathogen that causes
23 AIDS.

1 (3) HIV/AIDS.—The term “HIV/AIDS”
2 means, with respect to an individual, an individual
3 who is infected with HIV or living with AIDS.

4 (4) INFECTIOUS DISEASES.—The term “infec-
5 tious diseases” means HIV/AIDS, tuberculosis, and
6 malaria.

7 **SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.**

8 Section 12 of the Peace Corps Act (22 U.S.C. 2511;
9 relating to the Peace Corps National Advisory Council)
10 is amended—

11 (1) in subsection (b)(2)—

12 (A) in subparagraph (C), by striking
13 “and” after the semicolon;

14 (B) by redesignating subparagraph (D) as
15 subparagraph (E); and

16 (C) by inserting after subparagraph (C)
17 the following:

18 “(D) make recommendations for utilizing the
19 expertise of returned Peace Corps volunteers and
20 former Peace Corps staff in fulfilling the goals of
21 the Peace Corps; and”;

22 (2) in subsection (c)(2)—

23 (A) in subparagraph (A)—

24 (i) in the first sentence—

1 (I) by striking “fifteen” and in-
2 sserting “eleven”; and

3 (II) by striking “President, by
4 and with the advice and consent of
5 the Senate” and inserting “Director
6 of the Peace Corps”;

7 (ii) by striking the second sentence
8 and inserting the following: “Six of the
9 members shall be former Peace Corps vol-
10 unteers, at least one of whom shall have
11 been a former staff member abroad or in
12 the Washington headquarters, and not
13 more than six shall be members of the
14 same political party.”;

15 (B) by striking subparagraph (B);

16 (C) by amending subparagraph (D) to read
17 as follows:

18 “(D) The members of the Council shall be appointed
19 to 2-year terms.”;

20 (D) in subparagraph (H), by striking
21 “nine” and inserting “seven”;

22 (E) in subparagraph (I), by striking
23 “President shall nominate” and inserting “Di-
24 rector shall appoint”; and

1 (F) by redesignating subparagraphs (C),
2 (D), (E), (F), (G), (H), and (I) as subpara-
3 graphs (B), (C), (D), (E), (F), (G), and (H),
4 respectively; and

5 (3) by amending subsection (g) to read as fol-
6 lows:

7 “(g) CHAIR.—The Director shall designate one of the
8 voting members of the Council as Chair, who shall serve
9 in that capacity for a term of two years. The Director may
10 renew the term of a voting member appointed as Chair
11 under the preceding sentence.”.

12 **SEC. 1106. READJUSTMENT ALLOWANCES.**

13 The Peace Corps Act is amended—

14 (1) in section 5(c) (22 U.S.C. 2504(c)), by
15 striking “\$125 for each month of satisfactory serv-
16 ice” and inserting “\$275 for each month of satisfac-
17 tory service during fiscal year 2004 and \$300 for
18 each month of satisfactory service thereafter”; and

19 (2) in section 6(1) (22 U.S.C. 2505(1)), by
20 striking “\$125 for each month of satisfactory serv-
21 ice” and inserting “\$275 for each month of satisfac-
22 tory service during fiscal year 2004 and \$300 for
23 each month of satisfactory service thereafter”.

1 **SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED**
2 **PEACE CORPS VOLUNTEERS AND FORMER**
3 **STAFF.**

4 (a) **PURPOSE.**—The purpose of this section is to pro-
5 vide support for returned Peace Corps volunteers to de-
6 velop and carry out programs and projects to promote the
7 objectives of the Peace Corps Act, as set forth in section
8 2(a) of that Act (22 U.S.C. 2501(a)).

9 (b) **GRANTS TO CERTAIN NONPROFIT CORPORA-**
10 **TIONS.**—

11 (1) **GRANT AUTHORITY.**—

12 (A) **IN GENERAL.**—To carry out the pur-
13 pose of this section, and subject to the avail-
14 ability of appropriations, the Director may
15 award grants on a competitive basis to private
16 nonprofit corporations for the purpose of ena-
17 bling returned Peace Corps volunteers to use
18 their knowledge and expertise to develop and
19 carry out the programs and projects described
20 in paragraph (2).

21 (B) **DELEGATION OF AUTHORITY AND**
22 **TRANSFER OF FUNDS.**—The Director may dele-
23 gate the authority to award grants under sub-
24 paragraph (A) and may transfer funds author-
25 ized under this section subject to the notifica-
26 tion procedures of section 634A of the Foreign

1 Assistance Act of 1961 to the Chief Executive
2 Officer of the Corporation for National and
3 Community Service (referred to in this section
4 as the “Corporation”).

5 (2) PROGRAMS AND PROJECTS.—Such pro-
6 grams and projects may include—

7 (A) educational programs designed to en-
8 rich the knowledge and interest of elementary
9 school and secondary school students in the ge-
10 ography and cultures of other countries where
11 the volunteers have served;

12 (B) projects that involve partnerships with
13 local libraries to enhance community knowledge
14 about other peoples and countries; and

15 (C) audio-visual projects that utilize mate-
16 rials collected by the volunteers during their
17 service that would be of educational value to
18 communities.

19 (3) ELIGIBILITY FOR GRANTS.—To be eligible
20 to compete for grants under this section, a nonprofit
21 corporation shall have a board of directors composed
22 of returned Peace Corps volunteers and former
23 Peace Corps staff with a background in community
24 service, education, or health. If the grants are made
25 by the Corporation, the nonprofit corporation shall

1 meet all appropriate Corporation management re-
2 quirements, as determined by the Corporation.

3 (c) GRANT REQUIREMENTS.—Such grants shall be
4 made pursuant to a grant agreement between the Peace
5 Corps or the Corporation and the nonprofit corporation
6 that requires that—

7 (1) the grant funds will only be used to support
8 programs and projects described in subsection (a)
9 pursuant to proposals submitted by returned Peace
10 Corps volunteers (either individually or cooperatively
11 with other returned volunteers);

12 (2) the nonprofit corporation will give consider-
13 ation to funding individual programs or projects by
14 returned Peace Corps volunteers, in amounts of not
15 more than \$50,000, under this section;

16 (3) not more than 20 percent of the grant
17 funds made available to the nonprofit corporation
18 will be used for the salaries, overhead, or other ad-
19 ministrative expenses of the nonprofit corporation;

20 (4) the nonprofit corporation will not receive
21 grant funds for programs or projects under this sec-
22 tion for a third or subsequent year unless the non-
23 profit corporation makes available, to carry out the
24 programs or projects during that year, non-Federal
25 contributions—

1 (A) in an amount not less than \$2 for
2 every \$3 of Federal funds provided through the
3 grant; and

4 (B) provided directly or through donations
5 from private entities, in cash or in kind, fairly
6 evaluated, including plant, equipment, or serv-
7 ices; and

8 (5) the nonprofit corporation shall manage,
9 monitor, and submit reports to the Peace Corps or
10 the Corporation, as the case may be, on each pro-
11 gram or project for which the nonprofit corporation
12 receives a grant under this section.

13 (d) STATUS OF THE FUND.—Nothing in this section
14 shall be construed to make any nonprofit corporation sup-
15 ported under this section an agency or establishment of
16 the Federal Government or to make the members of the
17 board of directors or any officer or employee of such non-
18 profit corporation an officer or employee of the United
19 States.

20 (e) FACTORS IN AWARDING GRANTS.—In deter-
21 mining the number of nonprofit corporations to receive
22 grants under this section for any fiscal year, the Peace
23 Corps or the Corporation—

1 (1) shall take into consideration the need to
2 minimize overhead costs that direct resources from
3 the funding of programs and projects; and

4 (2) shall seek to ensure a broad geographical
5 distribution of grants for programs and projects
6 under this section.

7 (f) CONGRESSIONAL OVERSIGHT.—Grant recipients
8 under this section shall be subject to the appropriate over-
9 sight procedures of Congress.

10 (g) FUNDING.—

11 (1) IN GENERAL.—There is authorized to be
12 appropriated to carry out this section up to
13 \$10,000,000. Such sum shall be in addition to funds
14 made available to the Peace Corps under this divi-
15 sion.

16 (2) AVAILABILITY.—Amounts appropriated pur-
17 suant to paragraph (1) are authorized to remain
18 available until expended.

19 (h) CRISIS CORPS.—

20 (1) STATEMENT OF POLICY.—Congress states
21 that the Crisis Corps has been an effective tool in
22 harnessing the skills and talents of returned Peace
23 Corps volunteers.

24 (2) INCREASE IN NUMBER OF CRISIS CORPS AS-
25 SIGNMENTS.—The Director, in consultation with the

1 governments of host countries and appropriate non-
2 governmental organizations, shall increase the num-
3 ber of available Crisis Corps assignments for re-
4 turned Peace Corps volunteers to at least 120 as-
5 signments in fiscal year 2004, 140 assignments in
6 fiscal year 2005, 160 assignments in fiscal year
7 2006, and 165 assignments in fiscal year 2007.

8 **SEC. 1108. DECLARATION OF POLICY.**

9 Congress declares its support for the goal announced
10 by President Bush of doubling the number of Peace Corps
11 volunteers to 14,000 by 2007 and supports the funding
12 levels necessary to accomplish this growth.

13 **SEC. 1109. PEACE CORPS IN SIERRA LEONE.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) Peace Corps service to Sierra Leone was
17 suspended in 1994 due to a brutal civil war between
18 the government and the Revolutionary United Front
19 (RUF).

20 (2) Backed by British military intervention and
21 a United Nations peacekeeping operation, govern-
22 ment authority has been reestablished throughout
23 the country and “free and fair” national elections
24 took place in May 2002.

25 (3) Sierra Leone is a majority Muslim country.

1 (4) The Peace Corps has given the safety and
2 security of its volunteers high priority.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Peace Corps should return its program to
5 Sierra Leone as soon as security conditions are consistent
6 with the safety and security of its volunteers.

7 **SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 3(b)(1) of the Peace Corps Act (22 U.S.C.
9 2502(b)(1)) is amended by striking “and \$365,000,000
10 fiscal year 2003” and inserting “\$365,000,000 for fiscal
11 year 2003, \$366,868,000 for fiscal year 2004,
12 \$411,800,000 for fiscal year 2005, \$455,930,000 for fis-
13 cal year 2006, and \$499,400,000 for fiscal year 2007”.

14 **DIVISION C—DEPARTMENT OF**
15 **STATE AUTHORIZATION ACT,**
16 **FISCAL YEARS 2004 AND 2005**

17 **SEC. 101. SHORT TITLE.**

18 This division may be cited as the “Department of
19 State Authorization Act, Fiscal Years 2004 and 2005”.

20 **TITLE I—AUTHORIZATIONS OF**
21 **APPROPRIATIONS**

22 **Subtitle A—Department of State**

23 **SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.**

24 (a) IN GENERAL.—The following amounts are au-
25 thorized to be appropriated for the Department under

1 “Administration of Foreign Affairs” to carry out the au-
2 thorities, functions, duties, and responsibilities in the con-
3 duct of the foreign affairs of the United States, and for
4 other purposes authorized by law, including public diplo-
5 macy activities and the diplomatic security program:

6 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

7 (A) AUTHORIZATION OF APPROPRIA-
8 TIONS.—For “Diplomatic and Consular Pro-
9 grams”, \$4,187,544,000 for the fiscal year
10 2004 and \$4,438,796,000 for the fiscal year
11 2005.

12 (B) PUBLIC DIPLOMACY.—

13 (i) IN GENERAL.—Of the amounts au-
14 thorized to be appropriated by subpara-
15 graph (A), \$320,930,000 for the fiscal
16 year 2004 and \$329,838,000 for the fiscal
17 year 2005 is authorized to be appropriated
18 for public diplomacy.

19 (ii) IMPROVEMENTS IN PUBLIC DIPLO-
20 MACY PROGRAMS.—Of the amounts author-
21 ized to be appropriated under clause (i)
22 \$20,000,000 for the fiscal year 2004 and
23 \$20,000,000 for the fiscal year 2005 is au-
24 thorized to be available for improvements
25 and modernization of public diplomacy pro-

1 grams and activities of the Department of
2 State.

3 (iii) TRANSLATION SERVICES.—Of the
4 amounts authorized to be appropriated
5 under clause (i), \$4,000,000 for the fiscal
6 year 2004 and \$4,000,000 for the fiscal
7 year 2005 is authorized to be available for
8 translation services available to public af-
9 fairs officers in overseas posts.

10 (C) WORLDWIDE SECURITY UPGRADES.—
11 Of the amounts authorized to be appropriated
12 by subparagraph (A), \$646,701,000 for the fis-
13 cal year 2004 and \$679,036,000 for the fiscal
14 year 2005 is authorized to be appropriated for
15 worldwide security upgrades.

16 (D) BUREAU OF DEMOCRACY, HUMAN
17 RIGHTS, AND LABOR.—Of the amounts author-
18 ized to be appropriated by subparagraph (A),
19 \$20,000,000 for the fiscal year 2004 and
20 \$20,000,000 for the fiscal year 2005 is author-
21 ized to be appropriated for salaries and ex-
22 penses of the Bureau of Democracy, Human
23 Rights, and Labor.

24 (E) RECRUITMENT OF MINORITY
25 GROUPS.—Of the amount authorized to be ap-

1 appropriated by subparagraph (A), \$2,000,000 for
2 the fiscal year 2004 and \$2,000,000 for the fis-
3 cal year 2005 is authorized to be appropriated
4 for the recruitment of members of minority
5 groups for careers in the Foreign Service and
6 international affairs.

7 (2) CAPITAL INVESTMENT FUND.—For “Cap-
8 ital Investment Fund”, \$157,000,000 for the fiscal
9 year 2004 and \$161,710,000 for the fiscal year
10 2005.

11 (3) EMBASSY SECURITY, CONSTRUCTION AND
12 MAINTENANCE.—

13 (A) IN GENERAL.—For “Embassy Secu-
14 rity, Construction and Maintenance”,
15 \$653,000,000 for the fiscal year 2004 and
16 \$784,000,000 for the fiscal year 2005, in addi-
17 tion to amounts otherwise authorized to be ap-
18 propriated for such purpose by section 604 of
19 the Admiral James W. Nance and Meg Dono-
20 van Foreign Relations Authorization Act, Fiscal
21 Years 2000 and 2001 (as enacted into law by
22 section 1000(a)(7) of Public Law 106–113 and
23 contained in appendix G of that Act; 113 Stat.
24 1501A–470).

1 (B) AMENDMENT OF THE NANCE-DONO-
2 VAN FOREIGN RELATIONS AUTHORIZATION
3 ACT.—Section 604(a) of the Admiral James W.
4 Nance and Meg Donovan Foreign Relations Au-
5 thorization Act, Fiscal Years 2000 and 2001
6 (113 Stat. 1501A–453) is amended—

7 (i) at the end of paragraph (4) by
8 striking “and”;

9 (ii) in paragraph (5) by striking
10 “\$900,000,000.” and inserting
11 “\$1,000,000,000; and”; and

12 (iii) by inserting after paragraph (5)
13 the following:

14 “(6) for fiscal year 2005,
15 \$1,000,000,000.”.

16 (4) REPRESENTATION ALLOWANCES.—For
17 “Representation Allowances”, \$9,000,000 for the
18 fiscal year 2004 and \$9,000,000 for the fiscal year
19 2005.

20 (5) PROTECTION OF FOREIGN MISSIONS AND
21 OFFICIALS.—

22 (A) For “Protection of Foreign Missions
23 and Officials”, \$25,000,000 for the fiscal year
24 2004 and \$25,000,000 for the fiscal year 2005.

1 (B) In addition to amounts authorized to
2 be appropriated by subparagraph (A), there is
3 authorized to be appropriated \$30,600,000 for
4 “Protection of Foreign Missions and Officials”
5 only to reimburse the City of New York for nec-
6 essary expenses incurred since 1999 for the
7 protection of foreign missions and officials.

8 (C) Notwithstanding section 34 of the
9 State Department Basic Authorities Act of
10 1956 (22 U.S.C. 2706), the Secretary is au-
11 thorized to reprogram not more than
12 \$5,000,000 of funds otherwise authorized to be
13 appropriated by this section for the purposes of
14 this paragraph.

15 (6) EMERGENCIES IN THE DIPLOMATIC AND
16 CONSULAR SERVICE.—For “Emergencies in the Dip-
17 lomatic and Consular Service”, \$1,000,000 for the
18 fiscal year 2004 and such sums as may be necessary
19 for the fiscal year 2005.

20 (7) REPATRIATION LOANS.—For “Repatriation
21 Loans”, \$1,219,000 for the fiscal year 2004 and
22 \$1,219,000 for the fiscal year 2005.

23 (8) PAYMENT TO THE AMERICAN INSTITUTE IN
24 TAIWAN.—For “Payment to the American Institute

1 in Taiwan”, \$19,773,000 for the fiscal year 2004
2 and \$20,761,000 for the fiscal year 2005.

3 (9) OFFICE OF THE INSPECTOR GENERAL.—
4 For “Office of the Inspector General”, \$31,703,000
5 for the fiscal year 2004 and \$32,654,000 for the fis-
6 cal year 2005.

7 (b) AVAILABILITY OF FUNDS FOR PROTECTION OF
8 FOREIGN MISSIONS AND OFFICIALS.—The amount appro-
9 priated pursuant to subsection (a)(5) is authorized to re-
10 main available through September 30, 2006.

11 **SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL**
12 **PROGRAMS.**

13 (a) IN GENERAL.—Amounts in this section are au-
14 thorized to be appropriated for the Department of State
15 to carry out educational and cultural programs of the De-
16 partment of State under the United States Information
17 and Educational Exchange Act of 1948, the Mutual Edu-
18 cational and Cultural Exchange Act of 1961, Reorganiza-
19 tion Plan Number 2 of 1977, the Foreign Affairs Reform
20 and Restructuring Act of 1998, the Center for Cultural
21 and Technical Interchange Between East and West Act
22 of 1960, the Dante B. Fascell North-South Center Act
23 of 1991, and the National Endowment for Democracy Act,
24 and to carry out other authorities in law consistent with
25 such purposes.

1 (b) EDUCATIONAL AND CULTURAL EXCHANGE PRO-
2 GRAMS.—

3 (1) AUTHORIZATION OF APPROPRIATIONS.—For
4 “Educational and Cultural Exchange Programs”,
5 \$393,000,000 for the fiscal year 2004 and
6 \$405,000,000 for the fiscal year 2005.

7 (2) PROGRAMS IN EASTERN EUROPE AND
8 FORMER SOVIET UNION.—Of the amounts author-
9 ized to be appropriated under paragraph (1),
10 \$150,000,000 for the fiscal year 2004 and
11 \$150,000,000 for the fiscal year 2005 is authorized
12 to be available for programs in Eastern Europe and
13 countries of the former Soviet Union.

14 (3) ACADEMIC EXCHANGE PROGRAMS.—

15 (A) IN GENERAL.—Of the amounts author-
16 ized to be appropriated under paragraph (1),
17 \$142,000,000 for the fiscal year 2004 and
18 \$142,000,000 for the fiscal year 2005 is au-
19 thorized to be available for the “Academic Ex-
20 change Programs” (other than programs de-
21 scribed in paragraph (4)).

22 (B) HIV/AIDS INITIATIVE.—Of the
23 amounts authorized to be available under sub-
24 paragraph (A), \$1,000,000 for the fiscal year
25 2004 and \$1,000,000 for the fiscal year 2005

1 is authorized to be available for HIV/AIDS re-
2 search and mitigation strategies.

3 (C) FULBRIGHT ENGLISH TEACHING AS-
4 SISTANT PROGRAM IN KOREA.—Of the amounts
5 authorized to be available by subparagraph (A),
6 \$750,000 for the fiscal year 2004 and
7 \$750,000 for the fiscal year 2005 is authorized
8 to be available for the Fulbright English Teach-
9 ing Assistant Program in Korea, which sends
10 United States citizen students to serve as
11 English language teaching assistants at Korean
12 colleges and high schools.

13 (D) DANTE B. FASCELL NORTH-SOUTH
14 CENTER.—Of the amounts authorized to be
15 available by subparagraph (A), \$1,025,000 for
16 the fiscal year 2004 and \$1,025,000 for the fis-
17 cal year 2005 is authorized to be available for
18 the “Dante B. Fascell North-South Center”.

19 (E) GEORGE J. MITCHELL SCHOLARSHIP
20 PROGRAM.—Of the amounts authorized to be
21 available under subparagraph (A), \$500,000 for
22 the fiscal year 2004 and \$500,000 for the fiscal
23 year 2005 is authorized to be available for the
24 “George J. Mitchell Scholarship Program”
25 which provides for one year of postgraduate

1 study for American scholars at institutions of
2 higher education in Ireland and Northern Ire-
3 land.

4 (4) OTHER EDUCATIONAL AND CULTURAL EX-
5 CHANGE PROGRAMS.—

6 (A) IN GENERAL.—Of the amounts author-
7 ized to be appropriated under paragraph (1),
8 \$110,000,000 for the fiscal year 2004 and
9 \$110,000,000 for the fiscal year 2005 is au-
10 thorized to be available for other educational
11 and cultural exchange programs authorized by
12 law.

13 (B) INITIATIVES FOR PREDOMINANTLY
14 MUSLIM COUNTRIES.—Of the amounts author-
15 ized to be available under subparagraph (A),
16 \$35,000,000 for the fiscal year 2004 and
17 \$35,000,000 for the fiscal year 2005 is author-
18 ized to be available for initiatives for predomi-
19 nantly Muslim countries established under sec-
20 tion 251.

21 (C) TIBETAN EXCHANGES.—Of the
22 amounts authorized to be available under sub-
23 paragraph (A), \$500,000 for the fiscal year
24 2004 and \$500,000 for the fiscal year 2005 is
25 authorized to be available for “Ngawang

1 Choephel Exchange Programs” (formerly
2 known as “programs of educational and cul-
3 tural exchange between the United States and
4 the people of Tibet”) under section 103(a) of
5 the Human Rights, Refugee, and Other Foreign
6 Relations Provisions Act of 1996 (Public Law
7 104–319).

8 (D) EAST TIMORESE SCHOLARSHIPS.—Of
9 the amounts authorized to be available under
10 subparagraph (A), \$1,000,000 for the fiscal
11 year 2004 and \$1,000,000 for the fiscal year
12 2005 is authorized to be available for “East
13 Timorese Scholarships”.

14 (E) SOUTH PACIFIC EXCHANGES.—Of the
15 amounts authorized to be available under sub-
16 paragraph (A), \$750,000 for the fiscal year
17 2004 and \$750,000 for the fiscal year 2005 is
18 authorized to be available for “South Pacific
19 Exchanges”.

20 (F) SUDANESE SCHOLARSHIPS.—Of the
21 amounts authorized to be available under sub-
22 paragraph (A), \$500,000 for the fiscal year
23 2004 and \$500,000 for the fiscal year 2005 is
24 authorized to be available for scholarships for
25 students from southern Sudan for secondary or

1 postsecondary education in the United States,
2 to be known as “Sudanese Scholarships”.

3 (G) SUMMER INSTITUTES FOR KOREAN
4 STUDENTS.—Of the amounts authorized to be
5 available under subparagraph (A), \$750,000 for
6 the fiscal year 2004 and \$750,000 for the fiscal
7 year 2005 is authorized to be available for sum-
8 mer academic study programs in the United
9 States (focusing on United States political sys-
10 tems, government institutions, society, and
11 democratic culture) for college and university
12 students from the Republic of Korea, to be
13 known as the “United States Summer Insti-
14 tutes for Korean Student Leaders”.

15 (H) SCHOLARSHIPS FOR INDIGENOUS PEO-
16 PLES OF MEXICO AND CENTRAL AND SOUTH
17 AMERICA.—Of the amounts authorized to be
18 available under subparagraph (A), \$400,000 for
19 the fiscal year 2004 and \$400,000 for the fiscal
20 year 2005 is authorized to be available for
21 scholarships for postsecondary education in the
22 United States for students from Mexico and the
23 countries of Central and South America who
24 are from the indigenous peoples of the region.

25 (c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

1 (1) IN GENERAL.—For the “National Endow-
2 ment for Democracy”, \$45,000,000 for the fiscal
3 year 2004 and \$47,000,000 for the fiscal year 2005.

4 (2) INITIATIVES FOR PREDOMINANTLY MUSLIM
5 COUNTRIES.—Of the amounts authorized to be ap-
6 propriated under paragraph (1), \$3,000,000 for the
7 fiscal year 2004 and \$3,000,000 for the fiscal year
8 2005 is authorized to be available for the National
9 Endowment for Democracy to fund programs that
10 promote democracy, good governance, the rule of
11 law, independent media, religious tolerance, the
12 rights of women, and strengthening of civil society
13 in countries of predominantly Muslim population
14 within the jurisdiction of the Bureau of Near East-
15 ern Affairs of the Department of State.

16 (d) CENTER FOR CULTURAL AND TECHNICAL INTER-
17 CHANGE BETWEEN EAST AND WEST.—For the “Center
18 for Cultural and Technical Interchange between East and
19 West”, \$14,280,000 for the fiscal year 2004 and
20 \$14,280,000 for the fiscal year 2005.

21 (e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For
22 the “Reagan-Fascell Democracy Fellows”, for fellowships
23 for democracy activists and scholars from around the
24 world at the International Forum for Democratic Studies
25 in Washington, D.C., to study, write, and exchange views

1 with other activists and scholars and with Americans,
2 \$1,000,000 for the fiscal year 2004 and \$1,000,000 for
3 the fiscal year 2005.

4 (f) BENJAMIN GILMAN INTERNATIONAL SCHOLAR-
5 SHIP PROGRAM.—Section 305 of the Microenterprise for
6 Self-Reliance and International Anti-Corruption Act of
7 2000 (22 U.S.C. 2462 note) is amended by striking
8 “\$1,500,000” and inserting “\$2,500,000”.

9 **SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
10 **TIONS.**

11 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
12 ORGANIZATIONS.—There is authorized to be appropriated
13 under the heading “Contributions to International Organi-
14 zations” \$1,010,463,000 for the fiscal year 2004 and
15 \$1,040,776,000 for the fiscal year 2005 for the Depart-
16 ment to carry out the authorities, functions, duties, and
17 responsibilities in the conduct of the foreign affairs of the
18 United States with respect to international organizations
19 and to carry out other authorities in law consistent with
20 such purposes.

21 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
22 KEEPING ACTIVITIES.—There is authorized to be appro-
23 priated under the heading “Contributions for Inter-
24 national Peacekeeping Activities” \$550,200,000 for the
25 fiscal year 2004 and such sums as may be necessary for

1 the fiscal year 2005 for the Department to carry out the
2 authorities, functions, duties, and responsibilities in the
3 conduct of the foreign affairs of the United States with
4 respect to international peacekeeping activities and to
5 carry out other authorities in law consistent with such
6 purposes.

7 (c) FOREIGN CURRENCY EXCHANGE RATES.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—In
9 addition to the amounts authorized to be appro-
10 priated by subsection (a), there is authorized to be
11 appropriated such sums as may be necessary for the
12 fiscal years 2004 and 2005 to offset adverse fluctua-
13 tions in foreign currency exchange rates.

14 (2) AVAILABILITY OF FUNDS.—Amounts appro-
15 priated under this subsection may be available for
16 obligation and expenditure only to the extent that
17 the Director of the Office of Management and Budg-
18 et determines and certifies to the appropriate con-
19 gressional committees that such amounts are nec-
20 essary due to such fluctuations.

21 (d) REFUND OF EXCESS CONTRIBUTIONS.—The
22 United States shall continue to insist that the United Na-
23 tions and its specialized and affiliated agencies shall credit
24 or refund to each member of the organization or agency
25 concerned its proportionate share of the amount by which

1 the total contributions to the organization or agency ex-
2 ceed the expenditures of the regular assessed budget of
3 the organization or agency.

4 **SEC. 114. INTERNATIONAL COMMISSIONS.**

5 The following amounts are authorized to be appro-
6 priated under “International Commissions” for the De-
7 partment to carry out the authorities, functions, duties,
8 and responsibilities in the conduct of the foreign affairs
9 of the United States with respect to international commis-
10 sions, and for other purposes authorized by law:

11 (1) INTERNATIONAL BOUNDARY AND WATER
12 COMMISSION, UNITED STATES AND MEXICO.—For
13 “International Boundary and Water Commission,
14 United States and Mexico”—

15 (A) for “Salaries and Expenses”,
16 \$31,562,000 for the fiscal year 2004 and
17 \$31,562,000 for the fiscal year 2005; and

18 (B) for “Construction”, \$8,901,000 for the
19 fiscal year 2004 and \$8,901,000 for the fiscal
20 year 2005.

21 (2) INTERNATIONAL BOUNDARY COMMISSION,
22 UNITED STATES AND CANADA.—For “International
23 Boundary Commission, United States and Canada”,
24 \$1,261,000 for the fiscal year 2004 and \$1,261,000
25 for the fiscal year 2005.

1 (3) INTERNATIONAL JOINT COMMISSION.—For
2 “International Joint Commission”, \$7,810,000 for
3 the fiscal year 2004 and \$7,810,000 for the fiscal
4 year 2005.

5 (4) INTERNATIONAL FISHERIES COMMISS-
6 SIONS.—For “International Fisheries Commissions”,
7 \$20,043,000 for the fiscal year 2004 and
8 \$20,043,000 for the fiscal year 2005.

9 **SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated for the Department for “Migration and Refugee
12 Assistance” for authorized activities, \$927,000,000 for the
13 fiscal year 2004 and \$957,000,000 for the fiscal year
14 2005.

15 (b) REFUGEES RESETTLING IN ISRAEL.—Of the
16 amount authorized to be appropriated by subsection (a),
17 \$50,000,000 for the fiscal year 2004 and \$50,000,000 for
18 the fiscal year 2005 is authorized to be available for the
19 resettlement of refugees in Israel.

20 (c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of
21 the amount authorized to be appropriated by subsection
22 (a), \$2,000,000 for the fiscal year 2004 and \$2,000,000
23 for the fiscal year 2005 is authorized to be available for
24 humanitarian assistance, including food, medicine, cloth-
25 ing, and medical and vocational training, to Tibetan refu-

1 gees in India and Nepal who have fled Chinese-occupied
2 Tibet.

3 (d) HUMANITARIAN ASSISTANCE FOR DISPLACED
4 BURMESE.—Of the amount authorized to be appropriated
5 by subsection (a), \$2,000,000 for the fiscal year 2004 and
6 \$2,000,000 for the fiscal year 2005 is authorized to be
7 available for humanitarian assistance (including food,
8 medicine, clothing, and medical and vocational training)
9 to persons displaced as a result of civil conflict in Burma,
10 including persons still within Burma.

11 (e) AVAILABILITY OF FUNDS.—Funds appropriated
12 pursuant to this section are authorized to remain available
13 until expended.

14 **SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTER-**
15 **NATIONAL ORGANIZATIONS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated for the Department of State
18 for “Voluntary Contributions to International Organiza-
19 tions”, \$342,555,000 (reduced by \$25,000,000) for the
20 fiscal year 2004 and \$345,000,000 (reduced by
21 \$25,000,000) for the fiscal year 2005.

22 (b) UNITED NATIONS VOLUNTARY FUND FOR VIC-
23 TIMS OF TORTURE.—Of the amounts authorized to be ap-
24 propriated under subsection (a), \$6,000,000 for the fiscal
25 year 2004 and \$7,000,000 for the fiscal year 2005 is au-

1 thORIZED to be available for a United States voluntary con-
2 tribution to the United Nations Voluntary Fund for Vie-
3 tims of Torture.

4 (c) ORGANIZATION OF AMERICAN STATES.—Of the
5 amounts authorized to be appropriated under subsection
6 (a) \$2,000,000 for fiscal years 2004 and 2005 is author-
7 ized to be available for a United States voluntary contribu-
8 tion to the Organization of American States for the Inter-
9 American Committee Against Terrorism (CICTE) to iden-
10 tify and develop a port in the Latin American and Carib-
11 bean region into a model of best security practices and
12 appropriate technologies for improving port security in the
13 Western Hemisphere. Amounts authorized to be available
14 by the preceding sentence are authorized to remain avail-
15 able until expended and are in addition to amounts other-
16 wise available to carry out section 301 of the Foreign As-
17 sistance Act of 1961 (22 U.S.C. 2221).

18 (d) RESTRICTIONS ON UNITED STATES CONTRIBU-
19 TIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

20 (1) LIMITATION.—Of the amounts made avail-
21 able under subsection (a) for each of the fiscal years
22 2004 and 2005 for United States contributions to
23 the United Nations Development Program an
24 amount equal to the amount the United Nations De-
25 velopment Program will spend in Burma during each

1 fiscal year shall be withheld unless during such fiscal
2 year the Secretary of State submits to the appro-
3 priate congressional committees the certification de-
4 scribed in paragraph (2).

5 (2) CERTIFICATION.—The certification referred
6 to in paragraph (1) is a certification by the Sec-
7 retary of State that all programs and activities of
8 the United Nations Development Program (including
9 United Nations Development Program—Adminis-
10 tered Funds) in Burma—

11 (A) are focused on eliminating human suf-
12 fering and addressing the needs of the poor;

13 (B) are undertaken only through inter-
14 national or private voluntary organizations that
15 have been deemed independent of the State
16 Peace and Development Council (SPDC) (for-
17 merly known as the State Law and Order Res-
18 toration Council (SLORC)), after consultation
19 with the leadership of the National League for
20 Democracy and the leadership of the National
21 Coalition Government of the Union of Burma;

22 (C) provide no financial, political, or mili-
23 tary benefit to the SPDC; and

24 (D) are carried out only after consultation
25 with the leadership of the National League for

1 Democracy and the leadership of the National
2 Coalition Government of the Union of Burma.

3 **SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTER-**
4 **NATIONAL PEACEKEEPING ACTIVITIES.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated for the Department of State
7 for “Voluntary Contributions for International Peace-
8 keeping”, \$110,000,000 for the fiscal year 2004 and
9 \$110,000,000 for the fiscal year 2005.

10 (b) PEACEKEEPING IN AFRICA.—Of the amounts au-
11 thorized to be appropriated under subsection (a),
12 \$40,000,000 for the fiscal year 2004 and such sums as
13 may be necessary for the fiscal year 2005 is authorized
14 to be appropriated for peacekeeping activities in Africa.

15 **SEC. 118. GRANTS TO THE ASIA FOUNDATION.**

16 Section 404 of The Asia Foundation Act (title IV of
17 Public Law 98–164; 22 U.S.C. 4403) is amended to read
18 as follows:

19 “SEC. 404. There is authorized to be appropriated
20 to the Secretary of State \$18,000,000 for the fiscal year
21 2004 and \$18,000,000 for the fiscal year 2005 for grants
22 to The Asia Foundation pursuant to this title.”.

1 **Subtitle B—United States Inter-**
2 **national Broadcasting Activities**

3 **SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

4 The following amounts are authorized to be appro-
5 priated to carry out United States Government broad-
6 casting activities under the United States Information and
7 Educational Exchange Act of 1948, the United States
8 International Broadcasting Act of 1994, the Radio Broad-
9 casting to Cuba Act, the Television Broadcasting to Cuba
10 Act, and the Foreign Affairs Reform and Restructuring
11 Act of 1998, and to carry out other authorities in law con-
12 sistent with such purposes:

13 (1) INTERNATIONAL BROADCASTING OPER-
14 ATIONS.—

15 (A) IN GENERAL.—For “International
16 Broadcasting Operations”, \$600,354,000 for
17 the fiscal year 2004 and \$612,146,000 for the
18 fiscal year 2005.

19 (B) ALLOCATION OF FUNDS.—Of the
20 amounts authorized to be appropriated by sub-
21 paragraph (A), there is authorized to be avail-
22 able for Radio Free Asia \$30,000,000 for the
23 fiscal year 2004 and \$30,000,000 for the fiscal
24 year 2005.

1 (C) OFFICE OF GLOBAL INTERNET FREE-
2 DOM.—Of the amounts authorized to be appro-
3 priated by subparagraph (A), there is author-
4 ized to be available for the Broadcasting Board
5 of Governors for the establishment and oper-
6 ations of the Office of Global Internet Freedom
7 under section 524(a) \$8,000,000 for the fiscal
8 year 2004 and \$8,000,000 for the fiscal year
9 2005.

10 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
11 For “Broadcasting Capital Improvements”,
12 \$29,895,000 for the fiscal year 2004 and
13 \$11,395,000 for the fiscal year 2005.

14 (3) BROADCASTING TO CUBA.—For “Broad-
15 casting to Cuba”, \$26,901,000 for the fiscal year
16 2004 and \$27,439,000 for the fiscal year 2005.

17 **TITLE II—DEPARTMENT OF**
18 **STATE AUTHORITIES AND AC-**
19 **TIVITIES**

20 **Subtitle A—United States Public**
21 **Diplomacy**

22 **SEC. 201. FINDINGS AND PURPOSES.**

23 (a) FINDINGS.—The Congress makes the following
24 findings:

1 (1) The United States possesses strong and
2 deep connections with the peoples of the world sepa-
3 rate from its relations with their governments. These
4 connections can be a major asset in the promotion
5 of United States interests and foreign policy.

6 (2) Misinformation and hostile propaganda in
7 these countries regarding the United States and its
8 foreign policy endanger the interests of the United
9 States. Existing efforts to counter such misinforma-
10 tion and propaganda are inadequate and must be
11 greatly enhanced in both scope and substance.

12 (3) United States foreign policy has been ham-
13 pered by an insufficient consideration of the impor-
14 tance of public diplomacy in the formulation and im-
15 plementation of that policy and by the underuse of
16 modern communication techniques.

17 (4) The United States should have an oper-
18 ational strategy and a coordinated effort regarding
19 the utilization of its public diplomacy resources.

20 (5) The development of an operational strategy
21 and a coordinated effort by United States agencies
22 regarding public diplomacy would greatly enhance
23 United States foreign policy.

24 (6) The Secretary of State has undertaken ef-
25 forts to ensure that of the new positions established

1 at the Department of State after September 30,
2 2002, a significant proportion are for public diplo-
3 macy.

4 (b) PURPOSES.—It is the purpose of this subtitle to
5 enhance in scope and substance, redirect, redefine, and re-
6 organize United States public diplomacy.

7 **SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**
8 **DEPARTMENT OF STATE.**

9 (a) IN GENERAL.—The State Department Basic Au-
10 thorities Act of 1956 (22 U.S.C. 265 et seq.) is amended
11 by inserting after section 58 the following new section:

12 **“SEC. 59. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**
13 **DEPARTMENT OF STATE.**

14 “(a) IN GENERAL.—The Secretary of State shall
15 make public diplomacy an integral component in the plan-
16 ning and execution of United States foreign policy. The
17 Department of State, in coordination with the United
18 States International Broadcasting Agency, shall develop a
19 comprehensive strategy for the use of public diplomacy re-
20 sources and assume a prominent role in coordinating the
21 efforts of all Federal agencies involved in public diplo-
22 macy. Public diplomacy efforts shall be addressed to devel-
23 oped and developing countries, to select and general audi-
24 ences, and shall utilize all available media to ensure that
25 the foreign policy of the United States is properly ex-

1 plained and understood not only by the governments of
2 countries but also by their peoples, with the objective of
3 enhancing support for United States foreign policy. The
4 Secretary shall ensure that the public diplomacy strategy
5 of the United States is cohesive and coherent and shall
6 aggressively and through the most effective mechanisms
7 counter misinformation and propaganda concerning the
8 United States. The Secretary shall endeavor to articulate
9 the importance in American foreign policy of the guiding
10 principles and doctrines of the United States, particularly
11 freedom and democracy. The Secretary, in coordination
12 with the Board of Governors of the United States Inter-
13 national Broadcasting Agency, shall develop and articulate
14 long-term measurable objectives for United States public
15 diplomacy. The Secretary is authorized to produce and
16 distribute public diplomacy programming for distribution
17 abroad in order to achieve public diplomacy objectives, in-
18 cluding through satellite communication, the Internet, and
19 other established and emerging communications tech-
20 nologies.

21 “(b) INFORMATION CONCERNING UNITED STATES
22 ASSISTANCE.—

23 “(1) IDENTIFICATION OF ASSISTANCE.—In co-
24 operation with the United States Agency for Inter-
25 national Development (USAID) and other public

1 and private assistance organizations and agencies,
2 the Secretary shall ensure that information con-
3 cerning foreign assistance provided by the United
4 States Government, United States nongovernmental
5 organizations and private entities, and the American
6 people is disseminated widely and prominently, par-
7 ticularly, to the extent practicable, within countries
8 and regions that receive such assistance. The Sec-
9 retary shall ensure that, to the extent practicable,
10 projects funded by the United States Agency for
11 International Development (USAID) that do not in-
12 volve commodities, including projects implemented
13 by private voluntary organizations, are identified as
14 being supported by the United States of America, as
15 American Aid or provided by the American people.

16 “(2) REPORT TO CONGRESS.—Not later than
17 120 days after the end of each fiscal year, the Sec-
18 retary shall submit a report to the Committee on
19 International Relations of the House of Representa-
20 tives and the Committee on Foreign Relations of the
21 Senate on efforts to disseminate information con-
22 cerning assistance described in paragraph (1) during
23 the preceding fiscal year. Each such report shall in-
24 clude specific information concerning all instances in
25 which the United States Agency for International

1 Development has not identified projects in the man-
2 ner prescribed in paragraph (1) because such identi-
3 fication was not practicable. Any such report shall
4 be submitted in unclassified form, but may include
5 a classified appendix.

6 “(c) AUTHORITY.—Subject to the availability of ap-
7 propriations, the Secretary may contract with and com-
8 pensate government and private agencies or persons for
9 property and services to carry out this section.”.

10 (b) ESTABLISHMENT OF PUBLIC DIPLOMACY RE-
11 SERVE CORPS.—

12 (1) The Secretary of State shall establish a
13 public diplomacy reserve corps to augment the public
14 diplomacy capacity and capabilities of the Depart-
15 ment in emergency and critical circumstances world-
16 wide. The Secretary shall develop a contingency plan
17 for the use of the corps to bolster public diplomacy
18 resources and expertise. To the extent necessary and
19 appropriate, the Secretary may recruit experts in
20 public diplomacy and related fields from the private
21 sector.

22 (2) While actively serving with the reserve
23 corps, individuals are prohibited from engaging in
24 activities directly or indirectly intended to influence
25 public opinion within the United States to the same

1 degree that employees of the Department engaged in
2 public diplomacy are so prohibited.

3 (c) FUNCTIONS OF THE UNDER SECRETARY FOR
4 PUBLIC DIPLOMACY.—

5 (1) Section 1(b)(3) of the State Department
6 Basic Authorities Act of 1956 (22 U.S.C.
7 2651a(b)(3)) is amended by striking “formation”
8 and all that follows through the period at the end
9 and inserting “formation, supervision, and imple-
10 mentation of United States public diplomacy poli-
11 cies, programs, and activities, including the provision
12 of guidance to Department personnel in the United
13 States and overseas who conduct or implement such
14 policies, programs, and activities. The Under Sec-
15 retary for Public Diplomacy shall assist the United
16 States Agency for International Broadcasting in pre-
17 senting the policies of the United States clearly and
18 effectively, shall submit statements of United States
19 policy and editorial material to the Agency for
20 broadcast consideration in addition to material pre-
21 pared by the Agency, and shall ensure that editorial
22 material created by the Agency for broadcast is re-
23 viewed expeditiously by the Department.”.

24 (2) The Under Secretary for Public Diplomacy,
25 in carrying out the functions under the last sentence

1 of section 1(b)(3) of the State Department Basic
2 Authorities Act of 1956 (as added by paragraph (1),
3 shall consult with public diplomacy officers operating
4 at United States overseas posts and in the regional
5 bureaus of the Department of State.

6 **SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRAT-**
7 **EGY.**

8 The Secretary of State, in coordination with all ap-
9 propriate Federal agencies, shall prepare an annual review
10 and analysis of the impact of public diplomacy efforts on
11 target audiences. Each review shall assess the United
12 States public diplomacy strategy worldwide and by region,
13 including the allocation of resources and an evaluation and
14 assessment of the progress in, and barriers to, achieving
15 the goals set forth under previous plans submitted under
16 this section. On the basis of such review, the Secretary
17 of State, in coordination with all appropriate Federal
18 agencies shall develop and submit, as part of the annual
19 budget submission, a public diplomacy strategy which
20 specifies goals, agency responsibilities, and necessary re-
21 sources and mechanisms for achieving such goals during
22 the next fiscal year. The plan may be submitted in classi-
23 fied form.

1 **SEC. 204. PUBLIC DIPLOMACY TRAINING.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) The Foreign Service should recruit individ-
5 uals with expertise and professional experience in
6 public diplomacy.

7 (2) Ambassadors should have a prominent role
8 in the formulation of public diplomacy strategies for
9 the countries and regions to which they are assigned
10 and be accountable for the operation and success of
11 public diplomacy efforts at their posts.

12 (3) Initial and subsequent training of Foreign
13 Service officers should be enhanced to include infor-
14 mation and training on public diplomacy and the
15 tools and technology of mass communication.

16 (b) PERSONNEL.—

17 (1) In the recruitment, training, and assign-
18 ment of members of the Foreign Service, the Sec-
19 retary shall emphasize the importance of public di-
20 plomacy and of applicable skills and techniques. The
21 Secretary shall consider the priority recruitment into
22 the Foreign Service, at middle-level entry, of individ-
23 uals with expertise and professional experience in
24 public diplomacy, mass communications, or jour-
25 nalism, especially individuals with language facility
26 and experience in particular countries and regions.

1 (2) The Secretary of State shall seek to in-
2 crease the number of Foreign Service officers pro-
3 ficient in languages spoken in predominantly Muslim
4 countries. Such increase shall be accomplished
5 through the recruitment of new officers and incen-
6 tives for officers in service.

7 **SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUB-**
8 **LIC DIPLOMACY.**

9 (a) STUDY AND REPORT BY UNITED STATES ADVI-
10 SORY COMMISSION ON PUBLIC DIPLOMACY.—Section
11 604(c)(2) of the United States Information and Edu-
12 cational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is
13 amended to read as follows:

14 “(2)(A) Not less often than every two years, the Com-
15 mission shall undertake an in-depth review of United
16 States public diplomacy programs, policies, and activities.
17 Each study shall assess the effectiveness of the various
18 mechanisms of United States public diplomacy, in light
19 of factors including public and media attitudes around the
20 world toward the United States, Americans, United States
21 foreign policy, and the role of the American private-sector
22 community abroad, and make appropriate recommenda-
23 tions.

24 “(B) A comprehensive report of each study under
25 subparagraph (A) shall be submitted to the Secretary of

1 State and the appropriate congressional committees. At
2 the discretion of the Commission, any report under this
3 subsection may be submitted in classified or unclassified
4 form, as appropriate.”.

5 (b) INFORMATION AND SUPPORT FROM OTHER
6 AGENCIES.—Upon request of the United States Advisory
7 Commission on Public Diplomacy, the Secretary of State,
8 the Director of the United States International Broad-
9 casting Agency, and the head of any other Federal agency
10 that conducts public diplomacy programs and activities
11 shall provide information to the Advisory Commission to
12 assist in carrying out the responsibilities under section
13 604(c)(2) of the United States Information and Edu-
14 cational Exchange Act of 1948 (as amended by subsection
15 (a)).

16 (c) ENHANCING THE EXPERTISE OF UNITED STATES
17 ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

18 (1) QUALIFICATIONS OF MEMBERS.—Section
19 604(a)(2) of the United States Information and
20 Educational Exchange Act of 1948 (22 U.S.C.
21 1469(a)(2)) is amended by adding at the end the
22 following: “At least 4 members shall have substan-
23 tial experience in the conduct of public diplomacy or
24 comparable activities in the private sector. At least
25 1 member shall be an American residing abroad. No

1 member may be an officer or employee of the United
2 States.”.

3 (2) APPLICATION OF AMENDMENT.—The
4 amendments made by paragraph (1) shall not apply
5 to individuals who are members of the United States
6 Advisory Commission on Public Diplomacy on the
7 date of the enactment of this Act.

8 **SEC. 206. LIBRARY PROGRAM.**

9 The Secretary of State shall develop and implement
10 a demonstration program to assist foreign governments to
11 establish or upgrade their public library systems to im-
12 prove literacy and support public education. The program
13 should provide training in the library sciences. The pur-
14 pose of the program shall be to advance American values
15 and society, particularly the importance of freedom and
16 democracy.

17 **SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DI-**
18 **PLOMACY EFFORTS IN SUB-SAHARAN AFRI-**
19 **CA.**

20 (a) FINDINGS.—The Congress makes the following
21 findings:

22 (1) A significant number of sub-Saharan Afri-
23 can countries have predominantly Muslim popu-
24 lations, including such key countries as Nigeria,
25 Senegal, Djibouti, Mauritania, and Guinea.

1 their capital cities unless the publication identifies Jeru-
2 salem as the capital of Israel.

3 (c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR
4 PASSPORT PURPOSES.—The first section of “An Act to
5 regulate the issue and validity of passports, and for other
6 purposes”, approved July 3, 1926 (22 U.S.C. 211a; 44
7 Stat. 887) is amended by inserting after the first sentence
8 the following: “For purposes of the issuance of a passport
9 of a United States citizen born in the city of Jerusalem,
10 the Secretary shall, upon the request of the citizen or the
11 citizen’s legal guardian, record the place of birth as
12 Israel.”.

13 **SEC. 222. MODIFICATION OF REPORTING REQUIREMENTS.**

14 (a) REPEAL.—Section 805 of the Admiral James W.
15 Nance and Meg Donovan Foreign Relations Authorization
16 Act, Fiscal Years 2000 and 2001 (section 805(a) of divi-
17 sion A of H.R. 3427, as enacted into law by section
18 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat.
19 1501A-470) (relating to reports on terrorist activity in
20 which United States citizens were killed and related mat-
21 ters) is hereby repealed.

22 (b) ANNUAL COUNTRY REPORTS ON TERRORISM.—
23 Section 140(b)(2) of the Foreign Relations Authorization
24 Act, Fiscal Years 1988 and 1989 (Public Law 100-204;
25 22 U.S.C. 2656f(b)(2)) is amended—

1 (1) in subparagraph (D), by striking “and” at
2 the end;

3 (2) in subparagraph (E), by striking the period
4 at the end and inserting “; and”; and

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

6 “(F) for the reports due through May 1,
7 2005, information concerning terrorist attacks
8 in Israel, territory administered by Israel, and
9 territory administered by the Palestinian Au-
10 thority, including—

11 “(i) a list of all citizens of the United
12 States killed or injured in such attacks
13 during the previous year;

14 “(ii) the date of each attack and the
15 total number of people killed or injured in
16 each attack;

17 “(iii) the person or group claiming re-
18 sponsibility for the attack and where such
19 person or group has found refuge or sup-
20 port;

21 “(iv) to the extent possible, a list of
22 suspects implicated in each attack and the
23 nationality of each suspect, including infor-
24 mation on their whereabouts (or suspected
25 whereabouts);

1 “(v) a list of any terrorist suspects in
2 these cases who are members of Pales-
3 tinian police or security forces, the Pal-
4 estine Liberation Organization, or any Pal-
5 estinian governing body;

6 “(vi) the status of each case pending
7 against a suspect, including information on
8 whether the suspect has been arrested, de-
9 tained, indicted, prosecuted, or convicted
10 by the Palestinian Authority or Israel, and
11 if detained and then released, the date of
12 such release, and whether any released
13 suspect was implicated in subsequent acts
14 of terrorism;

15 “(vii) available information on convic-
16 tions, releases or changes in the situation
17 of suspects involved in attacks committed
18 prior to December 31, 2003, and not cov-
19 ered in previous reports submitted under
20 section 805(a) of the Admiral James W.
21 Nance and Meg Donovan Foreign Rela-
22 tions Authorization Act, Fiscal Years 2000
23 and 2001; and

24 “(viii) the policy of the Department of
25 State with respect to offering rewards for

1 information on terrorist suspects, including
2 any information on whether a reward has
3 been posted for suspects involved in ter-
4 rorist attacks listed in the report.”.

5 (c) CONSULTATION.—The Secretary of State shall, in
6 preparing the portion of the annual country reports on ter-
7 rorism required by subparagraph (F) of section 140(b)(2)
8 of the Foreign Relations Authorization Act, Fiscal Years
9 1988 and 1989 (Public Law 100–204; 22 U.S.C.
10 2656f(b)(2)), as added by subsection (b), consult and co-
11 ordinate with all other Government officials who have in-
12 formation necessary to complete that portion of the report.
13 Nothing contained in this subsection shall require the dis-
14 closure, on a classified or unclassified basis, of information
15 that would jeopardize sensitive sources and methods or
16 other vital national security interests or jeopardize ongo-
17 ing criminal investigations or proceedings.

18 **SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE**
19 **ISRAEL’S DIPLOMATIC RELATIONS WITH**
20 **OTHER COUNTRIES.**

21 (a) FINDINGS.—The Congress makes the following
22 findings:

23 (1) Israel is a friend and ally of the United
24 States whose security is vital to regional stability
25 and United States interests.

1 (2) Israel currently maintains diplomatic rela-
2 tions with approximately 160 countries. Approxi-
3 mately 30 countries do not have any diplomatic rela-
4 tions with Israel.

5 (3) The State of Israel has been actively seek-
6 ing to establish formal relations with a number of
7 countries.

8 (4) The United States should assist its ally,
9 Israel, in its efforts to establish diplomatic relations.

10 (5) After more than 50 years of existence,
11 Israel deserves to be treated as an equal nation by
12 its neighbors and the world community.

13 (b) REPORT CONCERNING UNITED STATES EFFORTS
14 TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH
15 OTHER COUNTRIES.—Not later than 60 days after the
16 date of the enactment of this Act, the Secretary shall sub-
17 mit a report to the appropriate congressional committees
18 that includes the following information (in classified or un-
19 classified form, as appropriate):

20 (1) Actions taken by the United States to en-
21 courage other countries to establish full diplomatic
22 relations with Israel.

23 (2) Specific responses solicited and received by
24 the Secretary from countries that do not maintain
25 full diplomatic relations with Israel with respect to

1 the status of negotiations to enter into diplomatic
2 relations with Israel.

3 (3) Other measures being undertaken, and
4 measures that will be undertaken, by the United
5 States to ensure and promote Israel's full participa-
6 tion in the world diplomatic community.

7 **SEC. 224. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT**
8 **SERVICES PROVIDED BY THE DEPARTMENT**
9 **OF DEFENSE TO THE DEPARTMENT OF**
10 **STATE.**

11 (a) **AUTHORITY.**—Subsection (a) of section 2642 of
12 title 10, United States Code, is amended—

13 (1) by striking “provided by a component of the
14 Department of Defense to the” and inserting “pro-
15 vided by a component of the Department of Defense
16 as follows:

17 “(1) To the”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(2) To the Department of State for the trans-
21 portation of armored motor vehicles to a foreign
22 country to meet unfulfilled requirements of the De-
23 partment of State for armored motor vehicles in that
24 foreign country.”.

1 (b) CONFORMING AND CLERICAL AMENDMENTS.—

2 (1) The heading for such section is amended to read as
3 follows:

4 **“§ 2642. Airlift services provided to Central Intel-**
5 **ligence Agency and Department of State:**
6 **reimbursement rate”.**

7 (2) The item relating to such section in the table of
8 sections at the beginning of chapter 157 of such title is
9 amended to read as follows:

“2642. Airlift services provided to Central Intelligence Agency and Department
of State: reimbursement rate.”.

10 **SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL**
11 **UNITED STATES CONSULAR POSTS.**

12 It is the sense of the Congress that to help advance
13 United States economic, political, and public diplomacy in-
14 terests, the Secretary of State should make best efforts
15 to establish consulates or other appropriate diplomatic
16 presence in: Pusan, South Korea; Medan, Indonesia; and
17 Hat Yai, Thailand.

18 **SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR**
19 **TRAVEL TO COUNTRIES RECEIVING UNITED**
20 **STATES FOREIGN ASSISTANCE.**

21 The first section of the Act entitled “An Act to regu-
22 late the issue and validity of passports, and for other pur-
23 poses”, approved July 3, 1926 (22 U.S.C. 211a) is amend-
24 ed by striking “travelers.” and inserting “travelers, and

1 no such restriction may apply to a country in which the
2 United States is providing assistance authorized by the
3 Foreign Assistance Act of 1961.”.

4 **SEC. 227. SECURITY CAPITAL COST SHARING.**

5 (a) AUTHORIZATION.—The first section of the For-
6 eign Service Buildings Act, 1926 (22 U.S.C. 292) is
7 amended by adding at the end the following new sub-
8 section:

9 “(c) SECURITY CAPITAL COST-SHARING PRO-
10 GRAM.—(1) The Secretary of State, as the single manager
11 of all buildings and grounds acquired under this Act or
12 otherwise acquired or authorized for the use of the diplo-
13 matic and consular establishments in foreign countries, is
14 authorized to establish and implement a Security Capital
15 Cost-Sharing Program to collect funds from each agency
16 on the basis of its total overseas presence in a manner
17 that encourages rightsizing of its overseas presence, and
18 expend those funds to accelerate the provision of safe, se-
19 cure, functional buildings for United States Government
20 personnel overseas.

21 “(2) The Secretary is authorized to determine annu-
22 ally and charge each Federal agency the amount to be col-
23 lected under paragraph (1) from the agency. To determine
24 such amount, the Secretary may prescribe and use a for-
25 mula that takes into account the number of authorized

1 positions of each agency, including contractors and locally
2 hired personnel, who are assigned to United States diplo-
3 matic facilities and are under the authority of a chief of
4 mission pursuant to section 207 of the Foreign Service
5 Act of 1980 (22 U.S.C. 3927).

6 “(3) The head of an agency charged a fee under this
7 section shall remit the amount of the fee to the Secretary
8 of State through the Intra-Governmental Payment and
9 Collection System or other appropriate means.

10 “(4) There shall be established on the books of the
11 Treasury an account to be known as the ‘Security Capital
12 Cost-Sharing Program Fund’, which shall be administered
13 by the Secretary. There shall be deposited into the account
14 all amounts collected by the Secretary pursuant to the au-
15 thority under paragraph (1), and such funds shall remain
16 available until expended. Such funds shall be used solely
17 for the provision of new safe, secure, functional diplomatic
18 facilities that comply with all applicable legal standards,
19 including those standards established under the authority
20 of the Secure Embassy Construction and
21 Counterterrorism Act of 1999. The Secretary shall include
22 in the Department of State’s Congressional Presentation
23 Document an accounting of the sources and uses of the
24 amounts deposited into the account.

1 “(5) The Secretary shall not collect a fee for an au-
2 thorized position of an agency of the Federal Government
3 that has been or would be granted a waiver pursuant to
4 section 606(a)(2)(B)(i) of the Secure Embassy Construc-
5 tion and Counterterrorism Act of 1999 (22 U.S.C.
6 4865(a)(2)(B)(i)).

7 “(6) In this subsection—

8 “(A) the term ‘agency of the Federal
9 Government’—

10 “(i) includes the Interagency Cooperative
11 Administrative Support Service; and

12 “(ii) does not include the Marine Security
13 Guard; and

14 “(B) the term ‘United States diplomatic facil-
15 ity’ has the meaning given that term in section 603
16 of the Secure Embassy Construction and
17 Counterterrorism Act of 1999 (22 U.S.C. 4865
18 note).”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on October 1, 2004.

21 **SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**
22 **POENAS.**

23 Section 37 of the State Department Basic Authorities
24 Act of 1956 (22 U.S.C. 2709) is amended by adding at
25 the end the following new subsection:

1 “(d) ADMINISTRATIVE SUBPOENAS.—

2 “(1) IN GENERAL.—If the Secretary determines
3 that there is an imminent threat against a person,
4 foreign mission, or international organization pro-
5 tected under the authority of subsection (a)(3), the
6 Secretary may issue in writing, and cause to be
7 served, a subpoena requiring—

8 “(A) the production of any records or
9 other items relevant to the threat; and

10 “(B) testimony by the custodian of the
11 items required to be produced concerning the
12 production and authenticity of those items.

13 “(2) REQUIREMENTS.—

14 “(A) RETURN DATE.—A subpoena under
15 this subsection shall describe the items required
16 to be produced and shall specify a return date
17 within a reasonable period of time within which
18 the requested items may be assembled and
19 made available. The return date specified may
20 not be less than 24 hours after service of the
21 subpoena.

22 “(B) NOTIFICATION TO ATTORNEY GEN-
23 ERAL.—As soon as practicable following the
24 issuance of a subpoena under this subsection,

1 the Secretary shall notify the Attorney General
2 of its issuance.

3 “(C) OTHER REQUIREMENTS.—The fol-
4 lowing provisions of section 3486 of title 18,
5 United States Code, shall apply to the exercise
6 of the authority of paragraph (1):

7 “(i) Paragraphs (4) through (8) of
8 subsection (a).

9 “(ii) Subsections (b), (c), and (d).

10 “(3) DELEGATION OF AUTHORITY.—The au-
11 thority under this subsection may be delegated only
12 to the Deputy Secretary of State.

13 “(4) ANNUAL REPORT.—Not later than Feb-
14 ruary 1 of each year, the Secretary shall submit to
15 the Committee on Foreign Relations of the Senate
16 and the Committee on International Relations of the
17 House of Representatives a report regarding the ex-
18 ercise of the authority under this subsection during
19 the previous calendar year.”.

20 **SEC. 229. ENHANCING REFUGEE RESETTLEMENT AND**
21 **MAINTAINING THE UNITED STATES COMMIT-**
22 **MENT TO REFUGEES.**

23 (a) FINDINGS.—The Congress makes the following
24 findings:

1 (1) The United States has a longstanding tradi-
2 tion of providing refugee assistance and relief
3 through the Department of State's migration and
4 refugee assistance account for refugees throughout
5 the world who have been subjected to religious and
6 other forms of persecution.

7 (2) A strong refugee resettlement and assist-
8 ance program is a critical component of the United
9 States' strong commitment to freedom.

10 (3) The United States refugee admissions pro-
11 gram has been in decline for much of the last five
12 years, resulting in a chronic inability of the United
13 States to meet the ceiling on refugee admissions that
14 has been set by the President each year.

15 (4) Refugee applicants have always undergone
16 rigorous security screenings. The September 11,
17 2001, terrorist attacks on the United States has
18 rightfully increased the awareness of the need to en-
19 sure that all aliens seeking admission to the United
20 States would not endanger the United States.

21 (5) Private voluntary organizations and non-
22 governmental organizations (NGOs) have and con-
23 tinue to provide valuable information to State De-
24 partment officials for refugee processing, and along
25 with Embassy personnel, can be utilized to assist in

1 the preliminary screening of refugees so that State
2 Department officials can focus to a greater extent on
3 security.

4 (6) Currently there are 15 million refugees
5 worldwide. In order to meet the ceiling set by the
6 Administration, which has been 70,000 in recent
7 years, a broader cross-section could be considered
8 for resettlement in the United States if the Depart-
9 ment of State were to expand existing refugee proc-
10 essing priority categories in a reasonable and re-
11 sponsible manner. Expansion of refugee selection
12 should include the expanded use of both the existing
13 category reserved for refugees of special interest to
14 the United States as well as the existing categories
15 reserved for family reunification.

16 (b) PURPOSE.—It is the purpose of this section to
17 provide the Department of State with tools to enable it
18 to carry out its responsibilities with greater efficiency with
19 respect to the identification and processing of refugee ap-
20 plicants.

21 (c) ENHANCEMENT OF REFUGEE IDENTIFICATION
22 AND PROCESSING.—

23 (1) In addition to traditional agencies currently
24 used in the processing of refugees for admission to
25 the United States, where applicable, the Secretary

1 shall develop and utilize partnerships with voluntary
2 resettlement organizations that permit such organi-
3 zations to assist in the identification and referral of
4 refugees.

5 (2) In addition to traditional agencies currently
6 used in the processing of refugees for admission to
7 the United States, where applicable, the Secretary
8 shall utilize private voluntary organizations with ties
9 to domestic constituencies in the overseas processing
10 of refugees.

11 (3) In addition to traditional agencies currently
12 used in the processing of refugees for admission to
13 the United States, where applicable, the Secretary
14 shall establish refugee response teams.

15 (A) ESTABLISHMENT OF REFUGEE RE-
16 SPONSE TEAMS.—In order to make the proc-
17 essing of refugees more efficient and effective,
18 enhance the quality of refugee resettlement pro-
19 grams, and to augment the capacity of the
20 United States government to identify, process,
21 assist, and counsel individuals for eventual ad-
22 judication by the Department of Homeland Se-
23 curity as refugees, where applicable, the Sec-
24 retary shall establish and utilize the services of
25 Refugee Response Teams, (in this section re-

1 ferred to as “RRTs”). RRTs shall be coordi-
2 nated by the Assistant Secretary of State for
3 Population, Refugees, and Migration, or the As-
4 sistant Secretary’s designee.

5 (B) COMPOSITION OF THE RRTS.—RRTs
6 shall be comprised of representatives of non-
7 governmental organizations and private vol-
8 untary organizations that have experience in
9 refugee law, policy and programs.

10 (C) RESPONSIBILITIES OF THE RRTS.—
11 RRTs shall be responsible for—

12 (i) monitoring refugee situations, with
13 a view toward identifying those refugees
14 whose best durable solution is third coun-
15 try resettlement;

16 (ii) preparing profiles and documenta-
17 tion for resettlement consideration by the
18 United States Government;

19 (iii) augmenting or establishing an
20 overseas operation, especially in response
21 to urgent developments requiring quick re-
22 sponses or more staff resources than are
23 available in the existing processing entities;

24 (iv) assisting with training and tech-
25 nical assistance to existing international

1 organizations and other processing entities;
2 and

3 (v) such other responsibilities as may
4 be determined by the Secretary of State.

5 (D) RESPONSIBILITIES OF THE SEC-
6 RETARY.—The Secretary shall establish appro-
7 priate training seminars for RRT personnel and
8 make use of RRTs in situations where existing
9 mechanisms are unable to identify and process
10 refugees in a timely manner.

11 (d) PERFORMANCE STANDARDS.—In consultation
12 with private voluntary organizations and NGOs, the Sec-
13 retary shall establish performance standards to ensure ac-
14 countability and effectiveness in the tasks carried out in
15 subsection (c).

16 (e) CONSIDERATION OF VARIOUS GROUPS.—To en-
17 sure that there is adequate planning across fiscal years
18 and that both the Department of State’s planning and
19 processing operations result in adequate numbers of trav-
20 el-ready refugees to fulfill the admissions goals set forth
21 in the determinations on refugee admissions required by
22 sections 207(a) and 207(b) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1157(a) and (b)), the Secretary
24 of State shall work to ensure that—

1 (1) those refugees in special need, including
2 long-stayers in first countries of asylum, unaccom-
3 panied refugee minors, urban refugees, and refugees
4 in women-headed households be given special atten-
5 tion for resettlement processing;

6 (2) attempts are made to expand processing of
7 those refugees of all nationalities who have close
8 family ties to citizens and residents in the United
9 States, including spouses, unmarried children, or
10 parents of persons lawfully admitted to the United
11 States, regardless of their country of nationality,
12 country of habitual residence, or first country of asy-
13 lum, as well as grandparents, grandchildren, married
14 sons or daughters, or siblings of United States citi-
15 zens or other persons lawfully admitted to the
16 United States;

17 (3) attempts are made to expand the number of
18 refugees considered who are of special concern to the
19 United States; and

20 (4) expanded access is provided to broader cat-
21 egories of refugees seeking admission to the United
22 States, thus reducing instances of relationship-based
23 misrepresentation by persons who are bona fide ref-
24 ugees but who resort to such misrepresentation
25 merely as a way to be interviewed for refugee status.

1 (f) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of State shall
3 submit a report to Congress that includes information con-
4 cerning the following:

5 (1) Efforts of the Secretary to utilize NGO's in
6 refugee identification, utilize private voluntary orga-
7 nizations in processing refugees, establish and utilize
8 RRTs, and an explanation of the rationale for not
9 using such organizations and agencies in situations
10 where the Secretary has made such a determination,
11 as described in subsection (c).

12 (2) Efforts of the Secretary to implement per-
13 formance standards and measures as described in
14 subsection (d) and the success of NGO's and private
15 voluntary organizations in meeting such standards.

16 (3) Efforts of the Secretary to expand consider-
17 ation of various groups for refugee processing as de-
18 scribed in subsection (e).

19 (4) Efforts to ensure that there is planning
20 across fiscal years so as to fulfill the refugee admis-
21 sions goals set forth by the President in his annual
22 presidential determinations on refugee admissions.

1 **SEC. 230. THE COLIN POWELL CENTER FOR AMERICAN DI-**
2 **PLOMACY.**

3 Title I of the State Department Basic Authorities Act
4 of 1956 is amended by adding after section 59 (22 U.S.C.
5 2730) the following new section:

6 **“SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLO-**
7 **MACY.**

8 “(a) DESIGNATION.—The diplomacy center of the
9 Department of State, located in the Harry S Truman
10 building, is hereby designated as the ‘Colin Powell Center
11 for American Diplomacy’ (hereinafter in this section re-
12 ferred to as the ‘Center’).

13 “(b) ACTIVITIES.—

14 “(1) SUPPORT AUTHORIZED.—The Secretary of
15 State is authorized to provide by contract, grant, or
16 otherwise, for the performance of appropriate mu-
17 seum visitor and educational outreach services, in-
18 cluding organizing conference activities, museum
19 shop services, and food services, in the public exhibit
20 and related space utilized by the Center.

21 “(2) PAYMENT OF EXPENSES.—The Secretary
22 may pay all reasonable expenses of conference activi-
23 ties conducted by the Center, including refreshments
24 and reimbursement of travel expenses incurred by
25 participants.

1 “(3) RECOVERY OF COSTS.—Any revenues gen-
2 erated under the authority of paragraph (1) for vis-
3 itor services may be retained, as a recovery of the
4 costs of operating the Center, and credited to any
5 Department of State appropriation.

6 “(c) DISPOSITION OF CENTER ARTIFACTS AND MA-
7 TERIALS.—

8 “(1) PROPERTY OF SECRETARY.—All historic
9 documents, artifacts, or other articles permanently
10 acquired by the Department of State and deter-
11 mined by the Secretary to be suitable for display in
12 the Center shall be considered to be the property of
13 the Secretary in the Secretary’s official capacity and
14 shall be subject to disposition solely in accordance
15 with this subsection.

16 “(2) SALE OR TRADE.—Whenever the Secretary
17 makes the determination under paragraph (3) with
18 respect to an item, the Secretary may sell at fair
19 market value, trade, or transfer the item, without re-
20 gard to the requirements of subtitle I of title 40,
21 United States Code. The proceeds of any such sale
22 may be used solely for the advancement of the Cen-
23 ter’s mission and may not be used for any purpose
24 other than the acquisition and direct care of collec-
25 tions.

1 “(3) DETERMINATIONS PRIOR TO SALE OR
2 TRADE.—The determination referred to in para-
3 graph (2), with respect to an item, is a determina-
4 tion that—

5 “(A) the item no longer serves to further
6 the purposes of the Center established in the
7 collections management policy of the Center; or

8 “(B) in order to maintain the standards of
9 the collections of the Center, the sale or ex-
10 change of the item would be a better use of the
11 item.

12 “(4) LOANS.—The Secretary may also lend
13 items covered by paragraph (1), when not needed for
14 use or display in the Center, to the Smithsonian In-
15 stitution or a similar institution for repair, study, or
16 exhibition.”.

17 **SEC. 231. INTERFERENCE WITH PROTECTIVE FUNCTIONS.**

18 (a) OFFENSE.—Chapter 7 of title 18, United States
19 Code, is amended by adding at the end the following:

20 **“§ 117. Interference with certain protective functions**

21 “Whoever knowingly and willfully obstructs, resists,
22 or interferes with a Federal law enforcement agent en-
23 gaged, within the United States or the special maritime
24 territorial jurisdiction of the United States, in the per-
25 formance of the protective functions authorized by section

1 37 of the State Department Basic Authorities Act of 1956
 2 (22 U.S.C. 2709) or section 103 of the Diplomatic Secu-
 3 rity Act (22 U.S.C. 4802) shall be fined under this title
 4 or imprisoned not more than one year, or both.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such chapter is amended by adding
 7 at the end the following new item:

“117. Interference with certain protective functions.”.

8 **SEC. 232. ISSUANCE OF CONSULAR IDENTIFICATION CARDS**

9 **BY FOREIGN MISSIONS.**

10 (a) ISSUANCE OF CONSULAR IDENTIFICATION
 11 CARDS.—The Congress finds that foreign governments
 12 have been issuing consular identification cards to foreign
 13 nationals in the United States for purposes other than
 14 those intended by the Vienna Convention on Consular Re-
 15 lations (done at Vienna on 24 April 1963).

16 (b) ISSUANCE OF CONSULAR IDENTIFICATION
 17 CARDS.—The issuance by foreign missions of consular
 18 identification cards shall be considered a benefit to a for-
 19 eign mission under section 203(2) of the State Depart-
 20 ment Basic Authorities Act of 1956 and shall be regulated
 21 by the Secretary in accordance with this section and sec-
 22 tion 204 of that Act.

23 (c) AUTHORITY TO ISSUE REGULATIONS.—Not later
 24 than 180 days after the date of the enactment of this Act,
 25 the Secretary of State shall issue regulations consistent

1 with this section with respect to the issuance by foreign
2 missions in the United States of consular identification
3 cards to foreign nationals residing in the United States.

4 (d) CONTENT OF REGULATIONS.—Regulations re-
5 ferred to in subsection (c) shall include the following re-
6 strictions and requirements:

7 (1) NOTIFICATION TO THE UNITED STATES
8 GOVERNMENT.—A foreign mission shall notify the
9 Secretary of State of each consular identification
10 card issued within the United States, including the
11 name and current address within the United States
12 of the recipient of a card.

13 (2) ISSUANCE TO BONA FIDE CITIZENS OF THE
14 COUNTRY OF ORIGIN.—A foreign mission may issue
15 a consular identification card only to a national of
16 the country represented by the foreign mission. For-
17 eign missions shall establish procedures to verify the
18 nationality of card recipients through either national
19 birth registry systems or voter registration identi-
20 fication systems, and bona fide documents such as
21 a passport issued by the country of origin.

22 (3) MAINTENANCE OF ACCURATE AND COM-
23 PLETE RECORDS.—A foreign mission shall maintain
24 at the mission complete and accurate records of all
25 consular identification cards issued and shall main-

1 tain an automated record system that contains such
2 records in a manner that can be rapidly accessed to
3 prevent duplicate or fraudulent issuance of such
4 cards.

5 (4) ADDRESS CHANGE NOTIFICATION REQUIRE-
6 MENT.—A foreign mission shall require card recipi-
7 ents to notify the foreign mission of any change of
8 address within 30 days after such address change.

9 (5) ACCESS TO AUDIT RECORDS.—At the re-
10 quest of the Secretary of State, a foreign mission
11 shall make available for audit and review, by the
12 Secretary or the Inspector General of the Depart-
13 ment of State, the records of all consular identifica-
14 tion cards issued.

15 (e) FAILURE TO ADHERE TO REGULATIONS.—

16 (1) If the Secretary of State determines that a
17 foreign mission has issued consular identification
18 cards in violation of the requirements of regulations
19 related to the issuance of such cards by foreign mis-
20 sions and such violation potentially threatens the se-
21 curity of the United States or facilitates fraudulent
22 or criminal acts, the Secretary of State shall notify
23 the government of the country represented by the
24 foreign mission that the foreign mission must sus-
25 pend the issuance of consular identification cards

1 until compliance with applicable regulations is estab-
2 lished.

3 (2) If the foreign mission of a country fails to
4 suspend issuance of consular identification cards in
5 accordance with a notification under paragraph (1),
6 the Secretary of State shall direct consular officials
7 in that country to cease the issuance of immigrant
8 or nonimmigrant visas, or both, to nationals of that
9 country until such time as the Secretary of State de-
10 termines that the foreign mission of that country is
11 in compliance with the requirements of regulations
12 related to the issuance of such cards by foreign mis-
13 sions.

14 **Subtitle C—Educational and** 15 **Cultural Authorities**

16 **SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMI-** 17 **NANTLY MUSLIM COUNTRIES.**

18 (a) FINDINGS.—The Congress makes the following
19 findings:

20 (1) Surveys indicate that, in countries of pre-
21 dominantly Muslim population, opinions of the
22 United States and American foreign policy among
23 the general public and select audiences are signifi-
24 cantly distorted by highly negative and hostile beliefs
25 and images and that many of these beliefs and im-

1 ages are the result of misinformation and propa-
2 ganda by individuals and organizations hostile to the
3 United States.

4 (2) These negative opinions and images are
5 highly prejudicial to the interests of the United
6 States and to its foreign policy.

7 (3) As part of a broad and long-term effort to
8 enhance a positive image of the United States in the
9 Muslim world, a key element should be the establish-
10 ment of programs to promote a greater familiarity
11 with American society and values among the general
12 public and select audiences in countries of predomi-
13 nantly Muslim population.

14 (b) ESTABLISHMENT OF INITIATIVES.—The Sec-
15 retary of State shall establish the following programs with
16 countries with predominantly Muslim populations as part
17 of the educational and cultural exchange programs of the
18 Department of State for the fiscal years 2004 and 2005:

19 (1) JOURNALISM PROGRAM.—A program for
20 foreign journalists, editors, media managers, and
21 postsecondary students of journalism which, in co-
22 operation with private sector sponsors to include
23 universities, shall sponsor workshops and profes-
24 sional training in techniques, standards, and prac-
25 tices in the field of journalism to assist the partici-

1 pants to achieve the highest standards of profes-
2 sionalism.

3 (2) ENGLISH LANGUAGE TEACHING.—The Sec-
4 retary shall provide grants to United States citizens
5 to work in middle and secondary schools as English
6 language teaching assistants for not less than an
7 academic year. If feasible, the host government or
8 local educational agency shall share the salary costs
9 of the assistants.

10 (3) SISTER CITY PARTNERSHIPS.—The Sec-
11 retary shall expand and enhance sister-city partner-
12 ships between United States and international mu-
13 nicipalities in an effort to increase global cooperation
14 at the community level. Such partnerships shall en-
15 courage economic development, municipal coopera-
16 tion, health care initiatives, youth and educational
17 programs, disability advocacy, emergency prepared-
18 ness, and humanitarian assistance.

19 (4) CIVICS EDUCATION.—The Secretary shall
20 establish a civics education program which shall de-
21 velop civics education teaching curricula and mate-
22 rials, provide training for teachers of civics, and pro-
23 vide English language teaching materials that are
24 designed to promote civics education. Civics edu-
25 cation programs under this paragraph shall place

1 particular emphasis on the on-site training of edu-
2 cators and the function of the mass media within
3 that society.

4 (5) YOUTH AMBASSADORS.—The Secretary
5 shall establish a program for visits by middle school
6 students (to the extent feasible) and secondary
7 school students to the United States during school
8 holidays in their home country for periods not to ex-
9 ceed 4 weeks and a program for academic year study
10 in the United States for secondary school students.
11 Participating students shall reflect the economic, ge-
12 ographic, and ethnic diversity of their countries. Ac-
13 tivities shall include cultural and educational activi-
14 ties designed to familiarize participating students
15 with American society and values. To the extent
16 practicable, the program involving school holiday vis-
17 its shall be coordinated with middle and secondary
18 schools in the United States to provide for school-
19 based activities and interactions. The Secretary shall
20 encourage the establishment of direct school-to-
21 school linkages under the programs.

22 (6) FULBRIGHT EXCHANGE PROGRAM.—The
23 Secretary shall seek to substantially increase the
24 number of awards under the J. William Fulbright
25 Educational Exchange Program to graduate stu-

1 dents, scholars, professionals, teachers, and adminis-
2 trators from the United States who are applying for
3 such awards to study, teach, conduct research, or
4 pursue scholarship in predominantly Muslim coun-
5 tries. Part of such increase shall include awards for
6 scholars and teachers who plan to teach subjects re-
7 lating to American studies.

8 (7) HUBERT H. HUMPHREY FELLOWSHIPS.—
9 The Secretary shall seek to substantially increase
10 the number of Hubert H. Humphrey Fellowships
11 awarded to candidates from predominantly Muslim
12 countries.

13 (8) LIBRARY TRAINING EXCHANGE PROGRAM.—
14 The Secretary shall develop an exchange program
15 for postgraduate students seeking additional training
16 in the library sciences and related fields.

17 (c) GENERAL PROVISION.—Programs established
18 under this section shall be carried out under the provisions
19 of the United States Information and Educational Ex-
20 change Act of 1948 and the Mutual Educational and Cul-
21 tural Exchange Act of 1961.

22 **SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICI-**
23 **PANTS IN EXCHANGE PROGRAMS.**

24 To the extent practicable, the Secretary of State, in
25 coordination with the heads of other agencies that conduct

1 international exchange and training programs, shall estab-
2 lish and maintain a database listing all American and for-
3 eign alumni of such programs in order to encourage net-
4 working, interaction, and communication with alumni.

5 **SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DE-**
6 **MOCRACY ADVOCATES IN EDUCATIONAL AND**
7 **CULTURAL EXCHANGE PROGRAMS.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Secretary of State shall submit to
10 the Congress a report concerning the implementation of
11 section 102 of the Human Rights, Refugee, and Other
12 Foreign Relations Provisions Act of 1996. The report shall
13 include information concerning the number of grants to
14 conduct exchange programs to countries described in such
15 section that have been submitted for competitive bidding,
16 what measures have been taken to ensure that willingness
17 to include supporters of freedom and democracy in such
18 programs is given appropriate weight in the selection of
19 grantees, and an evaluation of whether United States ex-
20 change programs in the countries described in such section
21 are fully open to supporters of freedom and democracy,
22 and, if not, what obstacles remain and what measures are
23 being taken to implement such policy.

1 **SEC. 254. SENSE OF THE CONGRESS CONCERNING EDU-**
2 **CATIONAL AND CULTURAL EXCHANGE PRO-**
3 **GRAM FOR FOREIGN JOURNALISTS.**

4 It is the sense of the Congress that the Secretary of
5 State should work toward the establishment of a program
6 for foreign journalists from regions of conflict that will
7 provide professional training in techniques, standards, and
8 practices in the field of journalism.

9 **SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FUL-**
10 **BRIGHT PROGRAMS.**

11 It is the sense of the Congress that Fulbright pro-
12 gram activities for Korea should—

13 (1) include participation by students from
14 throughout South Korea, including proportional rep-
15 resentation from areas outside of Seoul;

16 (2) attempt to include Korean students from a
17 broad range of educational institutions, including
18 schools other than elite universities;

19 (3) broaden the Korean student emphasis be-
20 yond degree-seeking graduate students, to include
21 opportunities for one-year nondegree study at
22 United States campuses by pre-doctoral Korean stu-
23 dents; and

24 (4) include a significant number of Korean stu-
25 dents planning to move into areas other than ad-
26 vanced research and university teaching, such as

1 those heading towards careers in government service,
2 media, law, and business.

3 **SEC. 256. AUTHORIZING EAST TIMORESE SCHOLARSHIPS**
4 **FOR GRADUATE STUDY.**

5 Section 237 of the Foreign Relations Authorization
6 Act, Fiscal Years 1994 and 1995 (Public Law 103–236)
7 is amended by inserting “graduate or” after “at the”.

8 **SEC. 257. PUBLIC SAFETY AWARENESS IN STUDY ABROAD**
9 **PROGRAMS.**

10 With respect to the Department of State’s support
11 for study abroad programs, Congress—

12 (1) encourages the Bureau of Educational and
13 Cultural Affairs to support public safety awareness
14 activities as part of such programs; and

15 (2) encourages the Bureau to continue sup-
16 porting such activities and urges special attention to
17 public safety issues, including road safety.

18 **Subtitle D—Consular Authorities**

19 **SEC. 271. MACHINE READABLE VISAS.**

20 Section 140(a) of the Foreign Relations Authoriza-
21 tion Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351
22 note) is amended by adding at the end the following:

23 “(4) For each of the fiscal years 2004 and
24 2005, any amount that exceeds \$700,000,000 may
25 be made available only if a notification is submitted

1 to Congress in accordance with the procedures appli-
2 cable to reprogramming notifications under section
3 34 of the State Department Basic Authorities Act of
4 1956.”.

5 **SEC. 272. PROCESSING OF VISA APPLICATIONS.**

6 (a) IN GENERAL.—It shall be the policy of the De-
7 partment of State to process each visa application from
8 an alien classified as an immediate relative or as a K-
9 1 nonimmigrant within 30 days of the receipt of all nec-
10 essary documents from the applicant and the Department
11 of Homeland Security. In the case of an immigrant visa
12 application where the petitioner is a relative other than
13 an immediate relative, it should be the policy of the De-
14 partment to process such an application within 60 days
15 of the receipt of all necessary documents from the appli-
16 cant and the Department of Homeland Security.

17 (b) DEFINITIONS.—In this section:

18 (1) IMMEDIATE RELATIVE.—The term “imme-
19 diate relative” has the meaning given the term in
20 section 201(b)(2)(A)(i) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)).

22 (2) K-1 NONIMMIGRANT.—The term “K-1 non-
23 immigrant” means a nonimmigrant alien described
24 in section 101(a)(15)(K)(i) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

1 **SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.**

2 At least once every five years and pursuant to a proc-
3 ess determined by the President for staffing at diplomatic
4 missions and overseas constituent posts, the Secretary of
5 State shall require each chief of mission to review every
6 staff element under chief of mission authority, including
7 staff from other executive agencies, and recommend ap-
8 proval or disapproval of each staff element. The Secretary
9 of State shall submit an annual report concerning such
10 reviews together with the Secretary's recommendations to
11 the heads of all affected agencies and the Inspector Gen-
12 eral of the Department of State.

13 **SEC. 274. ALLOCATION OF RESOURCES FOR EMBASSIES**
14 **AND CONSULATES.**

15 (a) SENSE OF CONGRESS.—It is the sense of the Con-
16 gress that the Secretary of State should provide such re-
17 sources, personnel, and training at each United States
18 Embassy and consulate as are adequate to carry out the
19 duties and responsibilities of such posts and to meet the
20 needs of those seeking services at such posts. In par-
21 ticular, given Public Notice 4393 (Federal Register, July
22 7, 2003) which restricts the number of waivers that can
23 be granted for interviews of nonimmigrant visas, the Sec-
24 retary of State should provide sufficient resources, par-
25 ticularly in countries that are allies of the United States,
26 to ensure that staff can process visa applications, includ-

1 ing conducting personal interviews, in a manner that is
2 timely, while complying with all the application require-
3 ments, including security concerns.

4 (b) REPORT TO CONGRESS.—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 of State shall submit a report concerning the allocation
7 of resources for embassies and consulates to the appro-
8 priate congressional committees.

9 **SEC. 275. NOTICE TO UNITED STATES EMBASSIES ABROAD**
10 **REGARDING CHILDREN WHO ARE THE SUB-**
11 **JECT OF INTERNATIONAL CHILD ABDUCTION**
12 **AND GUIDELINES RELATING TO SANCTUARY**
13 **FOR SUCH CHILDREN.**

14 (a) NOTICE OF INTERNATIONAL CHILD ABDUC-
15 TION.—The Secretary of State shall establish procedures
16 to ensure that appropriate United States Embassies
17 abroad are notified of the possible presence in that country
18 of any child who has been the subject of international child
19 abduction in violation of the order of a court in the United
20 States.

21 (b) GUIDELINES FOR SANCTUARY.—The Secretary of
22 State shall promulgate guidelines for the personnel of
23 United States Embassies abroad concerning procedures
24 relating to sanctuary at such facilities for children who
25 are the subject of international child abduction.

1 **SEC. 276. INADMISSIBILITY OF ALIENS SUPPORTING INTER-**
2 **NATIONAL CHILD ABDUCTORS AND REL-**
3 **ATIVES OF SUCH ABDUCTORS.**

4 (a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1182(a)(10)(C)(ii)) is amended—

7 (1) in subclause (I), by striking the comma at
8 the end and inserting a semicolon;

9 (2) in subclause (II), by striking “, or” at the
10 end and inserting a semicolon;

11 (3) by amending subclause (III) to read as fol-
12 lows:

13 “(III) is a spouse (other than the
14 spouse who is the parent of the ab-
15 ducted child), child (other than the
16 abducted child), parent, sibling, cous-
17 in, uncle, aunt, nephew, niece, or
18 grandparent of an alien described in
19 clause (i), is an agent of such an
20 alien, or is a principal employing such
21 an alien as an agent, if such person
22 has been designated by the Secretary
23 of State at the Secretary’s sole and
24 unreviewable discretion; or” and

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

1 “(IV) is a spouse of the abducted
2 child described in clause (i), if such
3 person has been designated by the
4 Secretary of State at the Secretary’s
5 sole and unreviewable discretion,
6 is inadmissible until such child is surren-
7 dered to the person granted custody by the
8 order described in that clause, and such
9 custodian and child are permitted to return
10 to the United States or such custodian’s
11 place of residence.”.

12 (b) IDENTIFICATION OF ALIENS SUPPORTING AB-
13 DUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO
14 CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT;
15 DEFINITIONS.—Section 212(a)(10)(C) of the Immigration
16 and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amend-
17 ed by adding at the end the following:

18 “(iv) IDENTIFICATION OF ALIENS
19 SUPPORTING ABDUCTORS AND RELATIVES
20 OF ABDUCTORS.—In all instances in which
21 an alien commits an act described in clause
22 (i), the Secretary of State shall take appro-
23 priate action to identify the individuals
24 who are inadmissible under clause (ii).

1 “(v) NOTICE TO CUSTODIAL PARENTS
2 AND GUARDIANS.—In all instances in
3 which an alien commits an act described in
4 clause (i), the Secretary of State shall,
5 upon request of the person granted custody
6 of the child concerned, inform the person
7 of whether, and when, any individual who
8 is inadmissible under clause (ii) by reason
9 of such act has been issued a visa or other-
10 wise authorized to enter the United States.

11 “(vi) ANNUAL REPORT.—The Sec-
12 retary of State annually shall submit to
13 the Committee on International Relations,
14 the Committee on Government Reform,
15 and the Committee on the Judiciary of the
16 United States House of Representatives,
17 and the Committee on Foreign Relations,
18 the Committee on Governmental Affairs,
19 and the Committee on the Judiciary of the
20 United States Senate, a report that pro-
21 vides, with respect to the preceding year,
22 an accounting of the number of cases
23 known to the Secretary of State,
24 disaggregated according to the nationality
25 of the alien concerned—

1 “(I) in which an authority under
2 this subparagraph was exercised (and
3 with respect to each such case, the
4 specific ground for inadmissibility
5 shall be specified); and

6 “(II) in which an authority under
7 this subparagraph has not been exer-
8 cised but in which an alien, after
9 entry of an order by a court in the
10 United States granting custody to a
11 person of a United States citizen
12 child, detained or retained the child,
13 or withheld custody of the child, out-
14 side the United States from the per-
15 son granted custody by that order.

16 “(vii) DEFINITIONS.—For purposes of
17 this subparagraph—

18 “(I) the term ‘child’ means an in-
19 dividual who was a child at the time
20 the individual was detained or re-
21 tained, or at the time custody of the
22 individual was withheld, as described
23 in clause (i), regardless of the age or
24 marital status of the individual after
25 such time; and

1 “(II) the term ‘sibling’ includes a
2 step-sibling or half-sibling.”.

3 **SEC. 277. ARCHITECTURAL INTEGRITY OF UNITED STATES**
4 **EMBASSIES, CONSULATES, AND OTHER DIP-**
5 **LOMATIC BUILDINGS.**

6 It is the sense of the Congress that, to the greatest
7 extent possible, in the construction and renovation of
8 United States embassies, consulates, and other diplomatic
9 buildings, the Secretary of State shall consider and seek
10 to preserve the architectural integrity and cohesiveness of
11 the neighborhood and environs and minimize any disrup-
12 tion due to the presence of the embassy, consulate, or
13 other diplomatic building.

14 **TITLE III—ORGANIZATION AND**
15 **PERSONNEL OF THE DEPART-**
16 **MENT OF STATE**

17 **SEC. 301. FELLOWSHIP OF HOPE PROGRAM.**

18 The Secretary of State is authorized to establish in
19 the Department of State an exchange program to be des-
20 ignated the “Fellowship of Hope Program”. The program
21 shall provide for the exchange and assignment of govern-
22 ment employees of designated countries to fellowship posi-
23 tions at the Department of State and reciprocal assign-
24 ment of civil service and foreign service employees of the

1 Department as fellows within the governments of foreign
2 countries.

3 **SEC. 302. CLAIMS FOR LOST PAY.**

4 Section 2 of the State Department Basic Authorities
5 Act of 1956 (22 U.S.C. 2669) is amended—

6 (1) at the end of subsection (n) by striking the
7 period and inserting “; and”; and

8 (2) by inserting after subsection (o) the fol-
9 lowing new subsection:

10 “(o) make administrative corrections or adjustments
11 to an employee’s pay, allowances, or differentials, resulting
12 from mistakes or retroactive personnel actions, and to pro-
13 vide back pay and other categories of payments under the
14 Back Pay Act as part of the settlement of administrative
15 claims or grievances filed against the Department.”.

16 **SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.**

17 (a) ESTABLISHMENT.—There is established in the
18 Office of the Secretary of State the position of Ombuds-
19 man. The position of Ombudsman shall be a career posi-
20 tion within the Senior Executive Service. The Ombudsman
21 shall report directly to the Secretary of State.

22 (b) DUTIES.—At the discretion of the Secretary of
23 State, the Ombudsman shall participate in meetings re-
24 garding the management of the Department in order to
25 assure that all employees may contribute to the achieve-

1 ment of the Department's responsibilities and to promote
2 the career interests of all employees.

3 (c) CONFORMING AMENDMENT.—Section 172 of the
4 Foreign Relations Authorization Act, Fiscal Years 1988
5 and 1989 (22 U.S.C. 2664a) is amended—

6 (1) by striking subsection (c); and

7 (2) by redesignating subsection (d) as sub-
8 section (c).

9 **SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT**
10 **FOR SENIOR FOREIGN SERVICE.**

11 Section 305 of the Foreign Service Act of 1980 (22
12 U.S.C. 3945) is amended by striking subsection (d).

13 **SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES**
14 **OF STATE DEPARTMENT.**

15 Not later than one year after the date of the enact-
16 ment of this Act, the Secretary of State shall prepare and
17 submit to the appropriate congressional committees a re-
18 port that analyzes and evaluates the merits of the conver-
19 sion of employees of the Department of State to excepted
20 service under chapter 21 of title 5, United States Code.

21 **SEC. 306. HOME LEAVE.**

22 (a) REST AND RECUPERATION TRAVEL.—Section
23 901(6) of the Foreign Service Act of 1980 (22 U.S.C.
24 4081(6)) is amended by striking “unbroken by home
25 leave” both places it appears.

1 (b) REQUIRED LEAVE IN THE UNITED STATES.—
2 Section 903(a) of the Foreign Service Act of 1980 (22
3 U.S.C. 4083(a)) is amended by striking “18 months” and
4 inserting “12 months”.

5 **SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIF-**
6 **FERENTIALS AND DANGER PAY ALLOW-**
7 **ANCES.**

8 (a) POST DIFFERENTIALS.—Section 5925(a) of title
9 5, United States Code, is amended by striking “25 per-
10 cent” in the third sentence and inserting “35 percent”.

11 (b) DANGER PAY ALLOWANCES.—Section 5928 of
12 title 5, United States Code, is amended by striking “25
13 percent” both places it appears and inserting “35 per-
14 cent”.

15 (c) CRITERIA.—The Secretary shall inform the ap-
16 propriate congressional committees of the criteria to be
17 used in determinations of appropriate adjustments in post
18 differentials under section 5925 of title 5, United States
19 Code, and danger pay allowances under section 5928 of
20 title 5, United States Code.

21 (d) STUDY AND REPORT.—Two years after the date
22 of the enactment of this Act, the Secretary of State shall
23 conduct a study assessing the effect of the increases in
24 post differentials and danger pay allowances made by the
25 amendments in subsections (a) and (b) in filling “hard-

1 to-fill” positions. The Secretary shall submit a report of
2 such study to the appropriate congressional committees.

3 **SEC. 308. REGULATIONS REGARDING RETIREMENT CREDIT**
4 **FOR GOVERNMENT SERVICE PERFORMED**
5 **ABROAD.**

6 Section 321(f) of the Foreign Relations Authorization
7 Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law
8 107–228) is amended by striking “regulations” and in-
9 serting “regulations, not later than 60 days after the date
10 of the enactment of the Foreign Relations Authorization
11 Act, Fiscal Years 2004 and 2005,”.

12 **SEC. 309. MINORITY RECRUITMENT.**

13 (a) REPORTING REQUIREMENT.—Section 324 of the
14 Foreign Relations Authorization Act, Fiscal Year 2003
15 (Public Law 107–228) is amended by striking “and April
16 1, 2004” and inserting “April 1, 2004, and April 1,
17 2005”.

18 (b) USE OF FUNDS.—The provisions of section 325
19 of such Act shall apply to funds authorized by section
20 111(a)(1)(E) of this Act.

21 (c) CONFORMING AMENDMENT.—Section 325(c) of
22 such Act is amended in the second sentence by striking
23 “two” and inserting “three”.

1 **SEC. 310. MERITORIOUS STEP INCREASES.**

2 Section 406(b) of the Foreign Service Act of 1980
3 (22 U.S.C. 3966(b)) is amended by striking “receiving an
4 increase in salary under subsection (a),”.

5 **SEC. 311. TREATMENT OF TERRITORIES AND POSSESSIONS**

6 **AS PART OF THE GEOGRAPHIC UNITED**
7 **STATES FOR PURPOSES OF TRANSFER AL-**
8 **LOWANCES.**

9 Notwithstanding any other provision of law, for pur-
10 poses of transfer allowances for employees of the Depart-
11 ment of State under section 5924(2)(B) of title 5, United
12 States Code, the territories and possessions of the United
13 States, the Commonwealth of Puerto Rico, and the Com-
14 monwealth of the Northern Mariana Islands, shall be con-
15 sidered part of the geographic United States.

16 **TITLE IV—INTERNATIONAL**
17 **ORGANIZATIONS**

18 **Subtitle A—Basic Authorities and**
19 **Activities**

20 **SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBU-**
21 **TIONS.**

22 Section 404(b)(2)(B) of the Foreign Relations Au-
23 thorization Act, Fiscal Years 1994 and 1995 is amended
24 by inserting after clause (iv) the following:

1 “(v) For assessments made during
2 calendar year 2005 and calendar year
3 2006, 27.10 percent.”.

4 **SEC. 402. REGARDING THE REENTRY OF THE UNITED**
5 **STATES IN UNESCO.**

6 (a) SENSE OF CONGRESS.—As the United States re-
7 sumes membership in the United Nations Educational,
8 Scientific, and Cultural Organization (UNESCO), the
9 President should—

10 (1) appoint a United States Representative to
11 the Organization for Economic Cooperation and De-
12 velopment (OECD) who shall also serve as the
13 United States Representative to UNESCO;

14 (2) take steps to ensure that more Americans
15 are employed by UNESCO, particularly for senior
16 level positions;

17 (3) request that the Secretary General of
18 UNESCO create a Deputy Director General position
19 for Management or a comparable position with high
20 level managerial and administrative responsibilities
21 to be filled by an American;

22 (4) insist that any increases in UNESCO’s
23 budget beyond the level of zero nominal growth for
24 the 2004–2005 biennium focus primarily on the

1 adoption of management and administrative reforms;
2 and

3 (5) request that the Secretary General of
4 UNESCO spend the United States contribution to
5 UNESCO for the last quarter of calendar year 2003
6 on key education and science priorities of the organi-
7 zation that will directly benefit United States na-
8 tional interests.

9 (b) ANNUAL ASSESSMENT FOR UNITED STATES PAR-
10 TICIPATION IN UNESCO.—Of the amounts authorized to
11 be appropriated by section 113(a), such sums as may be
12 necessary for each of the fiscal years 2004 and 2005 are
13 authorized to be available for the annual assessment for
14 United States contributions to the regular budget of the
15 United Nations Educational, Scientific, and Cultural Or-
16 ganization.

17 **SEC. 403. UNESCO NATIONAL COMMISSION.**

18 (a) IN GENERAL.—Section 3 of the Act of July 30,
19 1946, “Providing for membership and participation by the
20 United States in the United Nations Educational, Sci-
21 entific, and Cultural Organization, and authorizing an ap-
22 propriation therefor.” (22 U.S.C. 287o) is amended to
23 read as follows:

24 “SEC. 3. (a) In fulfillment of article VII of the con-
25 stitution of the Organization, the Secretary of State shall

1 establish a National Commission on Educational, Sci-
2 entific, and Cultural Cooperation.

3 “(b) The National Commission shall be composed of
4 not more than 35 members appointed by the Secretary
5 of State in consultation with the National Academy of
6 Sciences, the National Science Foundation, the Secretary
7 of Education, the Secretary of Health and Human Serv-
8 ices, and the Secretary of the Interior. Members of the
9 National Commission shall be representatives of non-
10 governmental organizations, academic institutions, and as-
11 sociations interested in education, scientific, and cultural
12 matters. Periodically, the Secretary shall review and revise
13 the entities represented on the National Commission in
14 order to achieve a desirable rotation in representation. Ex-
15 cept as otherwise provided, each member of the National
16 Commission shall be appointed to a term of 3 years. As
17 designated by the Secretary of State at the time of ap-
18 pointment, of the members first appointed one-third shall
19 be appointed for a term of 1 year, one-third shall be ap-
20 pointed for a term of 2 years, and one-third shall be ap-
21 pointed for a term of 3 years. Any member appointed to
22 fill a vacancy occurring before the expiration of the term
23 for which the member’s predecessor was appointed shall
24 be appointed only for the remainder of that term. A mem-
25 ber may serve after the expiration of that member’s term

1 until a successor has taken office. No member may serve
2 more than 2 consecutive terms. The Secretary of State
3 shall designate a chair of the National Commission.

4 “(c) Members of the National Commission shall serve
5 without pay. For attendance at the annual meeting, each
6 member shall receive travel expenses in accordance with
7 section 5703 of title 5, United States Code.

8 “(d) The National Commission shall meet at the call
9 of the chair at least annually and such meetings may be
10 through video conferencing or other electronic means. The
11 National Commission shall designate an executive com-
12 mittee from among the members of the commission and
13 may designate such other committees as may be necessary
14 to carry out its duties under this Act.

15 “(e) Upon request of the National Commission, the
16 Secretary of State may detail any of the personnel of the
17 Department of State to the National Commission to assist
18 it in carrying out its duties under this Act.”.

19 (b) CONFORMING CHANGES.—Section 2 of the Act of
20 July 30, 1946, “Providing for membership and participa-
21 tion by the United States in the United Nations Edu-
22 cational, Scientific, and Cultural Organization, and au-
23 thorizing an appropriation therefor.” (22 U.S.C. 287o) is
24 amended by striking “One of the representatives” and all
25 that follows through the end of such section.

1 **SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS)**
2 **EMERGENCY FUND.**

3 Section 109(b)(3) of Public Law 104–114 (22 U.S.C.
4 6039(b)(3)) is amended by striking “should provide not
5 less than \$5,000,000” and inserting “shall provide for
6 each of the fiscal years 2004 and 2005 not less than
7 \$500,000”.

8 **SEC. 405. UNITED STATES EFFORTS REGARDING THE STA-**
9 **TUS OF ISRAEL IN THE WESTERN EUROPEAN**
10 **AND OTHERS GROUP AT THE UNITED NA-**
11 **TIONS.**

12 (a) UNITED STATES EFFORTS.—The Secretary of
13 State and other appropriate officials of the United States
14 Government should pursue an aggressive diplomatic effort
15 and should take all necessary steps to ensure the extension
16 and upgrade of Israel’s membership in the Western Euro-
17 pean and Others Group at the United Nations.

18 (b) REPORT.—Not later than 60 days after the date
19 of the enactment of this Act and semiannually thereafter
20 through September 30, 2005, the Secretary of State shall
21 submit to the appropriate congressional committees a re-
22 port on the steps taken by the United States pursuant
23 to subsection (a) and progress in achieving the objectives
24 of subsection (a).

1 **Subtitle B—United States**
2 **International Leadership**

3 **SEC. 431. SHORT TITLE.**

4 This subtitle may be cited as the “United States
5 International Leadership Act of 2003”.

6 **SEC. 432. FINDINGS.**

7 The Congress makes the following findings:

8 (1) International organizations and other multi-
9 lateral institutions play a key role in United States
10 foreign policy and serve key United States foreign
11 policy objectives, such as obligating all countries to
12 freeze assets of terrorist groups, preventing the pro-
13 liferation of chemical, biological, and nuclear weap-
14 ons, and spearheading the fight to combat the rav-
15 ages of HIV/AIDS and other infectious diseases.

16 (2) Decisions at many international organiza-
17 tions, including membership and key positions, re-
18 main subject to determinations made by regional
19 groups where democratic states are often in the mi-
20 nority and where there is intensive cooperation
21 among repressive regimes. As a result, the United
22 States has often been blocked in its attempts to take
23 action in these institutions to advance its goals and
24 objectives, including at the United Nations Human
25 Rights Commission (where a representative of Libya

1 was elected as chairman and the United States tem-
2 porarily lost a seat).

3 (3) In order to address these shortcomings, the
4 United States must actively work to improve the
5 workings of international organizations and multilat-
6 eral institutions, particularly by creating a caucus of
7 democratic countries that will advance United States
8 interests. In the Second Ministerial Conference of
9 the Community of Democracies in Seoul, Korea, on
10 November 10–20, 2002, numerous countries rec-
11 ommended working together as a democracy caucus
12 in international organizations such as the United
13 Nations and ensuring that international and regional
14 institutions develop and apply democratic standards
15 for member states.

16 (4) In addition, the United States has short-
17 changed its ability to influence these organizations
18 by failing to obtain enough support for positions
19 that are congruent to or consistent with United
20 States objectives and has not done enough to build
21 expertise in the United States Government in the
22 area of multilateral diplomacy.

23 **SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

24 (a) IN GENERAL.—The President of the United
25 States, acting through the Secretary of State and the rel-

1 evant United States chiefs of mission, shall seek to estab-
2 lish a democracy caucus at the United Nations, the United
3 Nations Human Rights Commission, the United Nations
4 Conference on Disarmament, and at other broad-based
5 international organizations.

6 (b) PURPOSES OF THE CAUCUS.—A democracy cau-
7 cus at an international organization should—

8 (1) forge common positions, including, as ap-
9 propriate, at the ministerial level, on matters of con-
10 cern before the organization and work within and
11 across regional lines to promote agreed positions;

12 (2) work to revise an increasingly outmoded
13 system of regional voting and decision making; and

14 (3) set up a rotational leadership scheme to
15 provide member states an opportunity, for a set pe-
16 riod of time, to serve as the designated president of
17 the caucus, responsible for serving as its voice in
18 each organization.

19 **SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**
20 **ERAL ISSUES.**

21 The Secretary of State, acting through the principal
22 officers responsible for advising the Secretary on inter-
23 national organizations, shall ensure that a high-level dele-
24 gation from the United States Government, on an annual
25 basis, is sent to consult with key foreign governments in

1 every region in order to promote the United States agenda
2 at key international fora, such as the United Nations Gen-
3 eral Assembly, United Nations Human Rights Commis-
4 sion, the United Nations Education, Science, and Cultural
5 Organization, and the International Whaling Commission.

6 **SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTER-**
7 **NATIONAL ORGANIZATIONS.**

8 (a) UNITED STATES POLICY.—The President, acting
9 through the Secretary of State and the relevant United
10 States chiefs of mission, shall use the voice, vote, and in-
11 fluence of the United States to—

12 (1) where appropriate, reform the criteria for
13 leadership and, in appropriate cases for membership,
14 at all United Nations bodies and at other inter-
15 national organizations and multilateral institutions
16 to which the United States is a member so as to ex-
17 clude nations that violate the principles of the spe-
18 cific organization;

19 (2) make it a policy of the United Nations and
20 other international organizations and multilateral in-
21 stitutions, of which the United States is a member,
22 that a member state may not stand in nomination
23 or be in rotation for a leadership position in such
24 bodies if the member state is subject to sanctions

1 imposed by the United Nations Security Council;
2 and

3 (3) work to ensure that no member state stand
4 in nomination or be in rotation for a leadership posi-
5 tion in such organizations, or for membership of the
6 United Nations Security Council, if the member
7 state is subject to a determination under section
8 620A of the Foreign Assistance Act of 1961, section
9 40 of the Arms Export Control Act, or section 6(j)
10 of the Export Administration Act.

11 (b) REPORT TO CONGRESS.—Not later than 15 days
12 after a country subject to to a determination under section
13 620A of the Foreign Assistance Act of 1961, section 40
14 of the Arms Export Control Act, or section 6(j) of the
15 Export Administration Act is selected for a leadership post
16 in an international organization of which the United
17 States is a member or a membership of the United Na-
18 tions Security Council, the Secretary of State shall submit
19 a report to the appropriate congressional committees on
20 any steps taken pursuant to subsection (a)(3).

21 **SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLO-**
22 **MACY.**

23 (a) TRAINING PROGRAMS.—Section 708 of the For-
24 eign Service Act of 1980 (22 U.S.C. 4028) is amended

1 by adding after subsection (b) the following new sub-
2 section:

3 “(c) TRAINING IN MULTILATERAL DIPLOMACY.—

4 “(1) IN GENERAL.—The Secretary shall estab-
5 lish a series of training courses for officers of the
6 Service, including appropriate chiefs of mission, on
7 the conduct of diplomacy at international organiza-
8 tions and other multilateral institutions and at
9 broad-based multilateral negotiations of inter-
10 national instruments.

11 “(2) PARTICULAR PROGRAMS.—The Secretary
12 shall ensure that the training described in paragraph
13 (1) is provided at various stages of the career of
14 members of the Service. In particular, the Secretary
15 shall ensure that after January 1, 2004—

16 “(A) officers of the Service receive training
17 on the conduct of diplomacy at international or-
18 ganizations and other multilateral institutions
19 and at broad-based multilateral negotiations of
20 international instruments as part of their train-
21 ing upon entry of the Service; and

22 “(B) officers of the Service, including
23 chiefs of mission, who are assigned to United
24 States missions representing the United States
25 to international organizations and other multi-

1 lateral institutions or who are assigned in
2 Washington, D.C. to positions that have as
3 their primary responsibility formulation of pol-
4 icy towards such organizations and institutions
5 or towards participation in broad-based multi-
6 lateral negotiations of international instruments
7 receive specialized training in the areas de-
8 scribed in paragraph (1) prior to beginning of
9 service for such assignment or, if receiving such
10 training at that time is not practical, within the
11 first year of beginning such assignment.”.

12 (b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—
13 The Secretary shall ensure that employees of the Depart-
14 ment of State that are members of the civil service and
15 that are assigned to positions described in section 708(c)
16 of the Foreign Service Act of 1980 (as amended by this
17 subtitle) have training described in such section.

18 (c) CONFORMING AMENDMENTS.—Section 708 of
19 such Act is further amended—

20 (1) in subsection (a) by striking “(a) The” and
21 inserting “(a) TRAINING ON HUMAN RIGHTS.—
22 The”; and

23 (2) in subsection (b) by striking “(b) The” and
24 inserting “(b) TRAINING ON REFUGEE LAW AND
25 RELIGIOUS PERSECUTION.—The”.

1 **SEC. 437. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
2 **ORGANIZATIONS.**

3 (a) **PROMOTIONS.—**

4 (1) **IN GENERAL.—**Section 603(b) of the For-
5 eign Service Act of 1980 (22 U.S.C. 4003) is
6 amended by striking the period at the end and in-
7 serting: “, and shall consider whether the member of
8 the Service has served in a position whose primary
9 responsibility is to formulate policy towards or rep-
10 resent the United States at an international organi-
11 zation, a multilateral institution, or a broad-based
12 multilateral negotiation of an international instru-
13 ment.”.

14 (2) **EFFECTIVE DATE.—**The amendment made
15 by paragraph (1) shall take effect January 1, 2010.

16 (b) **ESTABLISHMENT OF A MULTILATERAL DIPLO-**
17 **MACY CONE IN THE FOREIGN SERVICE.—**

18 (1) **FINDINGS.—**

19 (A) The Department of State maintains a
20 number of United States missions both within
21 the United States and abroad that are dedi-
22 cated to representing the United States to
23 international organizations and multilateral in-
24 stitutions, including missions in New York,
25 Brussels, Geneva, Rome, Montreal, Nairobi, Vi-
26 enna, and Paris, which will soon be responsible

1 for United States representation to UNESCO
2 and OECD.

3 (B) In offices at the Harry S. Truman
4 Building, the Department maintains a signifi-
5 cant number of positions in bureaus that are ei-
6 ther dedicated, or whose primary responsibility
7 is, to represent the United States to such orga-
8 nizations and institutions or at multilateral ne-
9 gotiations.

10 (C) Given the large number of positions in
11 the United States and abroad that are dedi-
12 cated to multilateral diplomacy, the Department
13 of State may be well served in developing per-
14 sons with specialized skills necessary to become
15 experts in this unique form of diplomacy.

16 (2) REPORT.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary
18 shall submit to the appropriate congressional com-
19 mittees a report—

20 (A) evaluating whether a new cone should
21 be established for the Foreign Service that con-
22 centrates on members of the Service that serve
23 at international organizations and multilateral
24 institutions or are primarily responsible for par-

1 ticipation in broad-based multilateral negotia-
2 tions of international instruments; and

3 (B) provides alternative mechanisms for
4 achieving the objective of developing a core
5 group of United States diplomats and other
6 government employees who have expertise and
7 broad experience in conducting multilateral di-
8 plomacy.

9 **SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OF-**
10 **FICE ON MULTILATERAL NEGOTIATIONS.**

11 (a) ESTABLISHMENT OF OFFICE.—The Secretary of
12 State is authorized to establish, within the Bureau of
13 International Organizational Affairs, an Office on Multi-
14 lateral Negotiations to be headed by a Special Representa-
15 tive for Multilateral Negotiations (in this section referred
16 to as the “special representative”).

17 (b) APPOINTMENT.—The special representative shall
18 be appointed by the President with the advice and consent
19 of the Senate and shall have the rank of Ambassador-at-
20 Large. At the discretion of the President another official
21 at the Department may serve as the special representative.
22 The President may direct that the special representative
23 report to the Assistant Secretary for International Organi-
24 zations.

1 (c) STAFFING.—The special representative shall have
2 a staff of foreign service and civil service officers skilled
3 in multilateral diplomacy.

4 (d) DUTIES.—The special representative shall have
5 the following responsibilities:

6 (1) IN GENERAL.—The primary responsibility
7 of the special representative shall be to assist in the
8 organization of, and preparation for, United States
9 participation in multilateral negotiations, including
10 the advocacy efforts undertaken by the Department
11 of State and other United States agencies.

12 (2) ADVISORY ROLE.—The special representa-
13 tive shall advise the President and the Secretary of
14 State, as appropriate, regarding advocacy at inter-
15 national organizations and multilateral institutions
16 and negotiations and, in coordination with the As-
17 sistant Secretary of State for International Organi-
18 zational Affairs, shall make recommendations
19 regarding—

20 (A) effective strategies (and tactics) to
21 achieve United States policy objectives at multi-
22 lateral negotiations;

23 (B) the need for and timing of high level
24 intervention by the President, the Secretary of
25 State, the Deputy Secretary of State, and other

1 United States officials to secure support from
2 key foreign government officials for the United
3 States position at such organizations, institu-
4 tions, and negotiations;

5 (C) the composition of United States dele-
6 gations to multilateral negotiations; and

7 (D) liaison with Congress, international or-
8 ganizations, nongovernmental organizations,
9 and the private sector on matters affecting mul-
10 tilateral negotiations.

11 (3) DEMOCRACY CAUCUS.—The special rep-
12 resentative, in coordination with the Assistant Sec-
13 retary for International Organizational Affairs, shall
14 ensure the establishment of a democracy caucus.

15 (4) ANNUAL DIPLOMATIC MISSIONS OF MULTI-
16 LATERAL ISSUES.—The special representative, in co-
17 ordination with the Assistant Secretary for Inter-
18 national Organizational Affairs, shall organize an-
19 nual consultations between the principal officers re-
20 sponsible for advising the Secretary of State on
21 international organizations and foreign governments
22 to promote the United States agenda at the United
23 Nations General Assembly and other key inter-
24 national fora (such as the United Nations Human
25 Rights Commission).

1 (5) LEADERSHIP AND MEMBERSHIP OF INTER-
2 NATIONAL ORGANIZATIONS.—The special representa-
3 tive, in coordination with the Assistant Secretary of
4 International Organizational Affairs, shall direct the
5 efforts of the United States Government to reform
6 the criteria for leadership and membership of inter-
7 national organizations as described in section 435.

8 (6) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The special representative, or members
9 of the special representative’s staff, may, as required
10 by the President or the Secretary of State, serve on
11 a United States delegation to any multilateral nego-
12 tiation.
13

14 (e) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Secretary of State shall
16 submit a plan to establish a democracy caucus to the ap-
17 propriate congressional committees. The report required
18 by section 437(c) may be submitted together with the re-
19 port under this subsection.

20 **SEC. 439. SYNCHRONIZATION OF UNITED STATES CON-**
21 **TRIBUTIONS TO INTERNATIONAL ORGANIZA-**
22 **TIONS.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the President shall submit a plan to the
25 appropriate congressional committees on the implementa-

1 tion of section 404 of the Foreign Relations Authorization
 2 Act of 2003 (Public Law 107–228), (relating to a resump-
 3 tion by the United State of the payment of its full con-
 4 tribution to certain international organizations at the be-
 5 ginning of each calendar year).

6 **TITLE V—UNITED STATES**
 7 **INTERNATIONAL BROAD-**
 8 **CASTING ACTIVITIES**

9 **Subtitle A—Basic Authorities and**
 10 **Activities**

11 **SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.**

12 (a) The United States International Broadcasting
 13 Act of 1994 (22 U.S.C. 6201 et seq.) is amended by add-
 14 ing after section 309 the following new section:

15 **“SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK,**
 16 **INC.**

17 “(a) **AUTHORITY.**—Grants authorized under section
 18 305 shall be available to make annual grants to Mideast
 19 Radio and Television Network, Inc. (hereinafter in this
 20 title also referred to as ‘Mideast Network’) for the purpose
 21 of carrying out radio and television broadcasting to the
 22 Middle East region.

23 “(b) **FUNCTION.**—Mideast Network shall provide
 24 radio and television programming to the Middle East re-

1 gion consistent with the broadcasting standards and
2 broadcasting principles set forth in section 303 of this Act.

3 “(c) GRANT AGREEMENT.—Any grant agreement or
4 grants under this section shall be subject to the following
5 limitations and restrictions:

6 “(1) The Board may not make any grant to the
7 nonprofit corporation, Mideast Network unless its
8 certificate of incorporation provides that—

9 “(A) the Board of Directors of Mideast
10 Radio and Television Network, Inc. (hereinafter
11 referred to as ‘the Board’) shall consist of the
12 members of the Broadcasting Board of Gov-
13 ernors established under section 304 and of no
14 other members; and

15 “(B) the Board shall make all major policy
16 determinations governing the operation of Mid-
17 east Network and shall appoint and fix the
18 compensation of such managerial officers and
19 employees of Mideast Network as it considers
20 necessary to carry out the purposes of the grant
21 provided under this title, except that no officer
22 or employee may be paid a salary or other com-
23 pensation in excess of the rate of pay payable
24 for Level IV of the Executive Schedule under
25 section 5315 of title 5, United States Code.

1 “(2) Any grant agreement under this section
2 shall require that any contract entered into by Mid-
3 east Network shall specify that obligations are as-
4 sumed by Mideast Network and not the United
5 States Government.

6 “(3) Any grant agreement shall require that
7 any lease agreement entered into by Mideast Net-
8 work shall be, to the maximum extent possible, as-
9 signable to the United States Government.

10 “(4) Grants awarded under this section shall be
11 made pursuant to a grant agreement which requires
12 that grant funds be used only for activities con-
13 sistent with this section, and that failure to comply
14 with such requirements shall permit the grant to be
15 terminated without fiscal obligation to the United
16 States.

17 “(5) Duplication of language services and tech-
18 nical operations between the Mideast Radio and Tel-
19 evision Network, Inc., (including Radio Sawa), RFE/
20 RL, and the International Broadcasting Bureau will
21 be reduced to the extent appropriate, as determined
22 by the Board.

23 “(d) NOT A FEDERAL AGENCY OR INSTRUMEN-
24 TIALITY.—Nothing in this title may be construed to estab-
25 lish Mideast Network as a Federal agency or instrumen-

1 tality, nor shall the officers or employees of Mideast Net-
2 work be considered to be officers or employees of the
3 United States Government.

4 “(e) AUDIT AUTHORITY.—

5 “(1) Such financial transactions of Mideast
6 Network, as relate to functions carried out under
7 this section may be audited by the General Account-
8 ing Office in accordance with such principles and
9 procedures and under such rules and regulations as
10 may be prescribed by the Comptroller General of the
11 United States. Any such audit shall be conducted at
12 the place or places where accounts of Mideast Net-
13 work are normally kept.

14 “(2) Representatives of the General Accounting
15 Office shall have access to all books, accounts,
16 records, reports, files, papers, and property belong-
17 ing to or in use by Mideast Network pertaining to
18 such financial transactions as necessary to facilitate
19 an audit. Such representatives shall be afforded full
20 facilities for verifying transactions with any assets
21 held by depositories, fiscal agents, and custodians.
22 All such books, accounts, records, reports, files, pa-
23 pers, and property of Mideast Network shall remain
24 in the custody of Mideast Network.

1 “(3) Notwithstanding any other provisions of
2 law, the Inspector General of the Department of
3 State is authorized to exercise the authorities of the
4 Inspector General Act with respect to the Mideast
5 Network.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 305 of the United States Inter-
8 national Broadcasting Act of 1994 (22 U.S.C. 6204)
9 is amended—

10 (A) in subsection (a)(5) by striking “308
11 and 309” and inserting “308, 309, and 310”;

12 (B) in subsection (a)(6) by striking “308
13 and 309” and inserting “308, 309, and 310”;
14 and

15 (C) in subsection (c) by striking “308 and
16 309” and inserting “308, 309, and 310”.

17 (2) Section 307 of the United States Inter-
18 national Broadcasting Act of 1994 (22 U.S.C. 6206)
19 is amended—

20 (A) in subsection (a) by striking “308 and
21 309” and inserting “308, 309, and 310”; and

22 (B) in subsection (c) by adding “Mideast
23 Radio and Television Network, Inc.,” after
24 “Asia”.

1 (3) Section 304(g) of the United States Inter-
2 national Broadcasting Act of 1994 (22 U.S.C.
3 6203(g)) is amended by striking “and Radio Free
4 Asia” and inserting “, Radio Free Asia, and Mideast
5 Radio and Television Network, Inc.”.

6 (4) Section 8332(b)(11) of title 5, United
7 States Code, is amended by adding “Mideast Radio
8 and Television Network, Inc.,” after “the Asia
9 Foundation;”.

10 **SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.**

11 Section 3 of the Radio Broadcasting to Cuba Act (22
12 U.S.C. 1465a) is amended—

13 (1) in subsection (c) by striking the second sen-
14 tence and inserting “The Board is authorized to si-
15 multaneously utilize other broadcasting transmission
16 facilities, and other frequencies, including the Ampli-
17 tude Modulation (AM) Band (535 kHz to 1705
18 kHz), the Frequency Modulation (FM) Band, and
19 the Shortwave (SW) Band.”;

20 (2) in subsection (c) in the third sentence by
21 striking “*Provided, That*” and all that follows before
22 the period at the end;

23 (3) in subsection (d) by striking the last sen-
24 tence;

1 (4) by amending subsection (e) to read as fol-
2 lows:

3 “(e) Any program of United States Government radio
4 broadcasts to Cuba authorized by this section shall be des-
5 ignated ‘Radio Marti program.’”; and

6 (5) in subsection (f) by striking “Voice of
7 America”.

8 **SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER**
9 **JAMMING OF BROADCASTS OF RADIO MARTI**
10 **AND TV MARTI.**

11 Not later than 30 days after the date of the enact-
12 ment of this Act, the Secretary of State shall submit to
13 the appropriate congressional committees a report pro-
14 viding the following information:

15 (1) Specific steps taken to increase the capabili-
16 ties of Radio Marti and TV Marti to ensure that
17 broadcasts overcome jamming by the Government of
18 Cuba.

19 (2) An evaluation and analysis of not less than
20 10 alternate methods to counter jamming of radio
21 and television broadcasts including the following:

22 (A) Methods used to broadcast into Iraq
23 involving a C-130.

1 (B) Methods previously used to transmit
2 into the former Soviet Union and other Soviet
3 bloc countries.

4 (C) Successful methods employed by non-
5 United States Government entities, such as
6 those used by the Falun Gong to overcome Chi-
7 nese Government jamming and those recently
8 used by a Cuban exile group to transmit tele-
9 vision broadcasts into Cuba.

10 **SEC. 504. PILOT PROGRAM FOR THE PROMOTION OF TRAV-**
11 **EL AND TOURISM IN THE UNITED STATES**
12 **THROUGH UNITED STATES INTERNATIONAL**
13 **BROADCASTING.**

14 (a) PILOT PROGRAM.—The Broadcasting Board of
15 Governors, in consultation with the Department of Com-
16 merce and other appropriate Federal, State, and local
17 agencies, shall conduct a pilot program for the promotion
18 of travel and tourism in the United States through United
19 States international broadcasting, particularly to regional
20 economies that have been affected by the decrease in tour-
21 ism following the events of September 11, 2001.

22 (b) PROGRAMMING.—The pilot program shall devote
23 regular programming to broadcasting information on lo-
24 calities of the United States with the purpose of promoting

1 travel and tourism to regional economies heavily reliant
2 on such tourism.

3 (c) REPORT TO CONGRESS.—Not later than 180 days
4 after the date of the enactment of this Act, the Broad-
5 casting Board of Governors shall submit to the appro-
6 priate congressional committees a report detailing the ac-
7 tions taken by the Board in carrying out this section.

8 **SEC. 505. RADIO FREE ASIA BROADCASTS INTO NORTH**
9 **KOREA.**

10 (a) FINDINGS.—The Congress makes the following
11 findings:

12 (1) North Korea’s development of nuclear weap-
13 ons and missile delivery systems poses one of the
14 gravest security threats to the United States in the
15 world.

16 (2) The Kim Jong Il regime in North Korea
17 has one of the worst human rights records in the
18 world. On April 16, 2003, the United Nations Com-
19 mission on Human Rights passed a resolution, “ex-
20 pressing its deep concern about reports of systemic,
21 widespread and grave violations of human rights” in
22 North Korea.

23 (3) In order to ensure its survival, the Kim
24 Jong Il regime makes extensive efforts to control the
25 flow of information in North Korea.

1 (4) In 2002, a survey found that five of twelve
2 “elite” defectors from North Korea had listened to
3 Radio Free Asia.

4 (5) Radio Free Asia broadcasts only 4 hours
5 each day into North Korea.

6 (6) Many North Korean citizens lack radios ca-
7 pable of receiving Radio Free Asia broadcasts.

8 (b) SENSE OF CONGRESS.—It is the sense of the
9 Congress that the Broadcasting Board of Governors
10 should ensure that Radio Free Asia increases its broad-
11 casting with respect to North Korea to 24 hours each day.

12 (c) REPORT TO CONGRESS.—Not later than 90 days
13 after the date of the enactment of this Act, the Secretary
14 of State, after consulting with other agencies of the United
15 States Government, shall submit a report, in classified
16 form, on specific measures currently being undertaken and
17 measures necessary, including the provision of adequate
18 radios, to maximize North Korean citizen access to Radio
19 Free Asia and other foreign broadcasts to the Committee
20 on International Relations and the Permanent Select
21 Committee on Intelligence of the House of Representatives
22 and the Committee on Foreign Relations and the Select
23 Committee on Intelligence of the Senate.

1 **SEC. 506. PROHIBITION ON ELIMINATION OF INTER-**
2 **NATIONAL BROADCASTING IN EASTERN EU-**
3 **ROPE.**

4 During the 2 year period beginning on the date of
5 the enactment of this Act, the Broadcasting Board of Gov-
6 ernors may not eliminate foreign language broadcasting
7 in any of the following languages: Bulgarian, Czech, Esto-
8 nian, Hungarian, Latvian, Lithuanian, Georgian, Polish,
9 Slovene, Slovak, Romanian, Croatian, Armenian, and
10 Ukrainian.

11 **SEC. 507. CONTRACTOR REQUIREMENTS.**

12 (a) FINDINGS.—The Congress finds that the over-
13 riding national security aspects of the international pro-
14 grams of the International Broadcasting Bureau require
15 the assurance of uninterrupted logistic support under all
16 circumstances for the programs. Therefore, it is in the
17 best interests of the United States to provide a preference
18 for United States contractors bidding on these projects.

19 (b) PREFERENCE FOR UNITED STATES CONTRAC-
20 TORS.—Notwithstanding any other provision of law, in
21 any case where there are two or more qualified bidders
22 on projects of the International Broadcasting Bureau, in-
23 cluding design and construction projects and projects with
24 respect to transmitters, antennas, spare parts, and other
25 technical equipment, all the responsive bids of United

1 States persons and qualified United States joint venture
2 persons shall be considered to be reduced by 10 percent.

3 (c) EXCEPTION.—

4 (1) Subsection (b) shall not apply with respect
5 to any project of the International Broadcasting Bu-
6 reau when—

7 (A) precluded by the terms of an inter-
8 national agreement with the host foreign coun-
9 try;

10 (B) a foreign bidder can establish that the
11 foreign bidder is a national of a country whose
12 government permits United States contractors
13 and suppliers the opportunity to bid on a com-
14 petitive and nondiscriminatory basis with its
15 national contractors and suppliers, on procure-
16 ment and projects related to the construction,
17 modernization, upgrading, or expansion of—

18 (i) its national public radio and tele-
19 vision sector,

20 (ii) its private radio and television sec-
21 tor, to the extent that such procurement or
22 project is, in whole or in part, funded or
23 otherwise under the control of a govern-
24 ment agency or authority,

1 (C) the Secretary of Commerce certifies (in
2 advance of the award of the contract for that
3 project) to the Board of the International
4 Broadcasting Bureau that the foreign bidder is
5 not receiving any direct subsidy from any gov-
6 ernment, the effect of which would be to dis-
7 advantage the competitive position of United
8 States persons who also bid on the project, or

9 (D) the statutes of a host foreign country
10 prohibit the use of United States contractors on
11 such projects within that country.

12 (2) An exception under paragraph (1)(D) shall
13 only become effective with respect to a foreign coun-
14 try 30 days after the Secretary of State certifies to
15 the Committee on International Relations and the
16 Committee on Appropriations of the House of Rep-
17 resentatives and the Committee on Foreign Rela-
18 tions and the Committee on Appropriations of the
19 Senate what specific actions the Secretary has taken
20 to urge the foreign country to permit the use of
21 United States contractors on such projects.

22 (d) DEFINITIONS.—For purposes of this section:

23 (1) The term “United States person” means a
24 person that—

1 (A) is incorporated or otherwise legally or-
2 ganized under the laws of the United States, in-
3 cluding any State (and any political subdivision
4 thereof) and the District of Columbia;

5 (B) has its principal place of business in
6 the United States;

7 (C) has been incorporated or otherwise le-
8 gally organized in the United States for more
9 than 5 years before the issuance date of the In-
10 vitation For Bids or the Request For Proposals
11 with respect to a project under subsection (b);

12 (D) has proven, as indicated by prior con-
13 tracting experience, to possess the technical,
14 managerial, and financial capability to success-
15 fully complete a project similar in nature and
16 technical complexity to that being contracted
17 for;

18 (E)(i) employs United States citizens in at
19 least 80 percent of its principal management
20 positions in the United States;

21 (ii) employs United States citizens in more
22 than half of its permanent, full-time positions
23 in the United States; and

1 (iii) will employ United States citizens in
2 at least 80 percent of the supervisory positions
3 on the project site; and

4 (F) has the existing technical and financial
5 resources in the United States to perform the
6 contract.

7 (2) The term “qualified United States joint
8 venture person” means a joint venture in which a
9 United States person or persons own at least 51 per-
10 cent of the assets of the joint venture.

11 (3) The term “responsive bid” includes only a
12 bid where the bidder can establish that the United
13 States goods and services content, excluding con-
14 sulting and management fees, of the bidder’s pro-
15 posal and the resulting contract will not be less than
16 55 percent of the value of the bidder’s proposal and
17 the resulting total contract.

18 (e) EFFECTIVE DATE.—The provisions of this section
19 shall apply to any project with respect to which the Re-
20 quest For Proposals (commonly referred to as “RFP”) or
21 the Invitation For Bids (commonly referred to as “IFB”)
22 was issued after the date of the enactment of this Act.

1 **Subtitle B—Global Internet**
2 **Freedom**

3 **SEC. 521. SHORT TITLE.**

4 This subtitle may be cited as the “Global Internet
5 Freedom Act of 2003”.

6 **SEC. 522. FINDINGS.**

7 The Congress makes the following findings:

8 (1) Freedom of speech, freedom of the press,
9 and freedom of association are fundamental charac-
10 teristics of a free society. The first amendment to
11 the Constitution of the United States guarantees
12 that “Congress shall make no law . . . abridging the
13 freedom of speech, or of the press; or the right of
14 the people peaceably to assemble.” These constitu-
15 tional provisions guarantee the rights of Americans
16 to communicate and associate with one another
17 without restriction, including unfettered communica-
18 tion and association via the Internet. Article 19 of
19 the United Nation’s Universal Declaration of
20 Human Rights explicitly guarantees the freedom to
21 “receive and impart information and ideas through
22 any media and regardless of frontiers”.

23 (2) All people have the right to communicate
24 freely with others, and to have unrestricted access to
25 news and information, on the Internet.

1 (3) With nearly 10 percent of the world's popu-
2 lation now online, and more gaining access each day,
3 the Internet stands to become the most powerful en-
4 gine for democratization and the free exchange of
5 ideas ever invented.

6 (4) The governments of Burma, Cuba, Laos,
7 North Korea, the People's Republic of China, Saudi
8 Arabia, Syria, and Vietnam, among others, are tak-
9 ing active measures to keep their citizens from freely
10 accessing the Internet and obtaining international
11 political, religious, and economic news and informa-
12 tion.

13 (5) The Voice of America and Radio Free Asia,
14 as well as hundreds of news sources with an Internet
15 presence, are routinely being jammed by repressive
16 governments.

17 (6) Since the 1940s, the United States has de-
18 ployed anti-jamming technologies to make Voice of
19 America and other United States Government spon-
20 sored broadcasting available to people in nations
21 with governments that seek to block news and infor-
22 mation.

23 (7) The United States Government has thus far
24 commenced only modest steps to fund and deploy
25 technologies to defeat Internet censorship.

1 (8) The success of United States policy in sup-
2 port of freedom of speech, press, and association re-
3 quires continued efforts to defeat totalitarian and
4 authoritarian controls on news and information over
5 the Internet.

6 **SEC. 523. PURPOSES.**

7 The purposes of this subtitle are—

8 (1) to adopt an effective and robust global
9 Internet freedom policy;

10 (2) to establish an office within the Broad-
11 casting Board of Governors with the sole mission of
12 countering Internet jamming and blocking by uti-
13 lizing available anti-jamming technology;

14 (3) to expedite the development and deployment
15 of technology to protect Internet freedom around the
16 world; and

17 (4) to bring to bear the pressure of the free
18 world on repressive governments guilty of Internet
19 censorship and the intimidation and persecution of
20 their citizens who use the Internet.

21 **SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECH-**
22 **NOLOGIES TO DEFEAT INTERNET JAMMING**
23 **AND CENSORSHIP.**

24 (a) ESTABLISHMENT OF OFFICE OF GLOBAL INTER-
25 NET FREEDOM.—The Broadcasting Board of Governors

1 shall establish an Office of Global Internet Freedom (here-
2 inafter in this subtitle referred to as the “Office”). The
3 Office shall develop and implement a comprehensive global
4 strategy to combat state-sponsored and state-directed
5 Internet jamming and persecution of those who use the
6 Internet.

7 (b) COOPERATION OF OTHER FEDERAL DEPART-
8 MENTS AND AGENCIES.—Each department and agency of
9 the United States Government shall cooperate fully with,
10 and assist in the implementation of, the strategy developed
11 by the Office and shall make such resources and informa-
12 tion available to the Office as is necessary to the achieve-
13 ment of the purposes of this subtitle.

14 (c) COOPERATION WITH DEPARTMENT OF STATE.—
15 The Office shall assist the Secretary of State in preparing
16 portions of the country reports on human rights practices
17 that address Internet accessibility.

18 (d) REPORT TO CONGRESS.—Nine months after the
19 date of the enactment of this Act, the Broadcasting Board
20 of Governors shall submit to the Congress a report on the
21 status of foreign government interference with Internet
22 use and of efforts by the United States to counter such
23 interference. The report shall list the countries that pur-
24 sue policies of Internet censorship, blocking, and other
25 abuses; provide information concerning the government

1 agencies or quasi-governmental organizations that imple-
2 ment Internet censorship; and describe with the greatest
3 particularity practicable the technological means by which
4 such blocking and other abuses are accomplished. In the
5 discretion of the Broadcasting Board of Governors, such
6 report may be submitted in both a classified and nonclassi-
7 fied version. One year after the date of submission of such
8 report, the Office shall submit a second report.

9 (e) **LIMITATION ON AUTHORITY.**—Nothing in this
10 subtitle shall be interpreted to authorize any action by the
11 United States to interfere with foreign national censorship
12 in furtherance of legitimate law enforcement aims con-
13 sistent with the Universal Declaration of Human Rights.

14 **Subtitle C—Reorganization of**
15 **United States International**
16 **Broadcasting**

17 **SEC. 531. ESTABLISHMENT OF UNITED STATES INTER-**
18 **NATIONAL BROADCASTING AGENCY.**

19 (a) **IN GENERAL.**—Section 304 of the United States
20 International Broadcasting Act of 1994 (22 U.S.C. 6203)
21 is amended to read as follows:

22 **“SEC. 304. ESTABLISHMENT OF UNITED STATES INTER-**
23 **NATIONAL BROADCASTING AGENCY.**

24 “(a) **ESTABLISHMENT.**—There is established as an
25 independent agency in the executive branch the United

1 States International Broadcasting Agency (hereinafter in
2 this Act referred to as the 'Agency').

3 “(b) BOARD OF GOVERNORS OF THE AGENCY.—

4 “(1) HEAD OF AGENCY.—The Agency shall be
5 headed by the Board of Governors of the United
6 States International Broadcasting Agency (herein-
7 after in this Act referred to as the 'Board of Gov-
8 ernors').

9 “(2) AUTHORITIES AND FUNCTIONS.—The
10 Board of Goverors shall—

11 “(A) carry out the authorities and func-
12 tions of the Agency under section 305; and

13 “(B) be responsible for the exercise of all
14 authorities and powers and the discharge of all
15 duties and functions of the Agency.

16 “(3) COMPOSITION OF THE BOARD OF GOV-
17 ERNORS.—

18 “(A) The Board of Governors shall consist
19 of 9 members, as follows:

20 “(i) Eight voting members who shall
21 be appointed by the President, by and with
22 the advice and consent of the Senate.

23 “(ii) The Secretary of State who shall
24 also be a voting member.

1 “(B) The President shall appoint one
2 member (other than the Secretary of State) as
3 Chair of the Board of Governors, subject to the
4 advice and consent of the Senate.

5 “(C) Exclusive of the Secretary of State,
6 not more than 4 of the members of the Board
7 of Governors appointed by the President shall
8 be of the same political party.

9 “(4) TERM OF OFFICE.—The term of office of
10 each member of the Board of Governors shall be
11 three years, except that the Secretary of State shall
12 remain a member of the Board of Governors during
13 the Secretary’s term of service. The President shall
14 appoint, by and with the advice and consent of the
15 Senate, board members to fill vacancies occurring
16 prior to the expiration of a term, in which case the
17 members so appointed shall serve for the remainder
18 of such term. Any member whose term has expired
19 may serve until a successor has been appointed and
20 qualified. When there is no Secretary of State, the
21 Acting Secretary of State shall serve as a member
22 of the board until a Secretary is appointed.

23 “(5) SELECTION OF BOARD OF GOVERNORS.—
24 Members of the Board of Governors appointed by
25 the President shall be citizens of the United States

1 who are not regular full-time employees of the
2 United States Government. Such members shall be
3 selected by the President from among Americans
4 distinguished in the fields of mass communications,
5 print, broadcast media, or foreign affairs.

6 “(6) COMPENSATION.—Members of the Board
7 of Governors, while attending meetings of the board
8 or while engaged in duties relating to such meetings
9 or in other activities of the board pursuant to this
10 section (including travel time) shall be entitled to re-
11 ceive compensation equal to the daily equivalent of
12 the compensation prescribed for level IV of the Ex-
13 ecutive Schedule under section 5315 of title 5,
14 United States Code. While away from their homes or
15 regular places of business, members of the board
16 may be allowed travel expenses, including per diem
17 in lieu of subsistence, as authorized by law for per-
18 sons in the Government service employed intermit-
19 tently. The Secretary of State shall not be entitled
20 to any compensation under this title, but may be al-
21 lowed travel expenses as provided under this sub-
22 section.

23 “(7) DECISIONS.—Decisions of the Board of
24 Governors shall be made by majority vote, a quorum
25 being present. A quorum shall consist of 5 members.

1 “(8) IMMUNITY FROM CIVIL LIABILITY.—Not-
2 withstanding any other provision of law, any and all
3 limitations on liability that apply to the members of
4 the Board of Governors also shall apply to such
5 members when acting in their capacities as members
6 of the boards of directors of RFE/RL, Incorporated
7 and Radio Free Asia.

8 “(c) DIRECTOR.—

9 “(1) APPOINTMENT.—The Board of Governors
10 shall appoint a Director of the Agency. The Director
11 shall receive basic pay at the rate payable for level
12 III of the Executive Schedule under section 5314 of
13 title 5, United States Code. The Director may be re-
14 moved through a majority vote of the Board.

15 “(2) FUNCTIONS AND DUTIES.—The Director
16 shall have the following functions and duties:

17 “(A) To exercise the authorities delegated
18 by the Board of Governors pursuant to section
19 305(b).

20 “(B) To carry out all broadcasting activi-
21 ties conducted pursuant to this title, the Radio
22 Broadcasting to Cuba Act, and the Television
23 Broadcasting to Cuba Act.

24 “(C) To examine and make recommenda-
25 tions to the Board of Governors on long-term

1 strategies for the future of international broad-
2 casting, including the use of new technologies.

3 “(D) To review engineering activities to
4 ensure that all broadcasting elements receive
5 the highest quality and cost-effective delivery
6 services.

7 “(E) To procure supplies, services, and
8 other personal property to carry out the func-
9 tions of the Agency.

10 “(F) To obligate and expend, for official
11 reception and representation expenses, such
12 amounts as may be made available through ap-
13 propriations.

14 “(G) To provide for the use of United
15 States Government transmitter capacity for
16 relay of broadcasting by grantees.

17 “(H) To procure temporary and intermit-
18 tent personal services to the same extent as is
19 authorized by section 3109 of title 5, United
20 States Code, at rates not to exceed the daily
21 equivalent of the rate provided for positions
22 classified above grade GS-15 of the General
23 Schedule under section 5108 of title 5, United
24 States Code.

1 “(I) To procure for the Agency, pursuant
2 to section 1535 of title 31, United States Code
3 goods and services from other departments or
4 agencies.

5 “(J) To the extent funds are available, to
6 lease space and acquire personal property for
7 the Agency.

8 “(d) INSPECTOR GENERAL AUTHORITIES.—

9 “(1) IN GENERAL.—The Inspector General of
10 the Department of State shall exercise the same au-
11 thorities with respect to the Agency as the Inspector
12 General exercises under the Inspector General Act of
13 1978 and section 209 of the Foreign Service Act of
14 1980 with respect to the Department of State.

15 “(2) RESPECT FOR JOURNALISTIC INTEGRITY
16 OF BROADCASTERS.—The Inspector General of the
17 Department of State and the Foreign Service shall
18 respect the journalistic integrity of all the broad-
19 casters covered by this title and may not evaluate
20 the philosophical or political perspectives reflected in
21 the content of broadcasts.”.

22 (b) RETENTION OF EXISTING BOARD MEMBERS.—
23 The members of the Broadcasting Board of Governors ap-
24 pointed by the President pursuant to section 304 of the
25 United States International Broadcasting Act of 1994 on

1 the day before the effective date of this title and holding
2 office as of that date may serve the remainder of their
3 terms of office as members of the Board of Governors es-
4 tablished under section 304(b) of the United States Inter-
5 national Broadcasting Act of 1994, as amended by sub-
6 section (a) of this section, without reappointment, or if
7 their term has expired may serve until a successor is ap-
8 pointed and qualified.

9 **SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

10 Section 305 of the United States International
11 Broadcasting Act of 1994 (22 U.S.C. 6204) is amended
12 to read as follows:

13 **“SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

14 “(a) The Agency shall have the following authorities
15 and functions:

16 “(1) To supervise all broadcasting activities
17 conducted pursuant to this title, the Radio Broad-
18 casting to Cuba Act, and the Television Broad-
19 casting to Cuba Act.

20 “(2) To review and evaluate the mission and
21 operation of, and to assess the quality, effectiveness,
22 and professional integrity of, all such activities with-
23 in the context of the broad foreign policy objectives
24 of the United States and the guiding principles and

1 doctrines of the United States, particularly freedom
2 and democracy.

3 “(3) To develop strategic goals after reviewing
4 human rights reporting and other reliable assess-
5 ments to assist in determining programming and re-
6 source allocation.

7 “(4) To ensure that United States international
8 broadcasting is conducted in accordance with the
9 standards and principles contained in section 303.

10 “(5) To review, evaluate, and determine, at
11 least annually, after consultation with the Secretary
12 of State, the addition or deletion of language serv-
13 ices.

14 “(6) To make and supervise grants for broad-
15 casting and related activities in accordance with sec-
16 tions 308 and 309.

17 “(7) To allocate funds appropriated for inter-
18 national broadcasting activities among the various
19 elements of the Agency and grantees, subject to the
20 limitations in sections 308 and 309 and subject to
21 reprogramming notification requirements in law for
22 the reallocation of funds.

23 “(8) To undertake such studies as may be nec-
24 essary to identify areas in which broadcasting activi-

1 ties under its authority could be made more efficient
2 and economical.

3 “(9) To submit to the President and the Con-
4 gress an annual report which summarizes and evalu-
5 ates activities under this title, the Radio Broad-
6 casting to Cuba Act, and the Television Broad-
7 casting to Cuba Act, placing special emphasis on the
8 assessment described in paragraph (2).

9 “(10) To make available in the annual report
10 required by paragraph (9) information on funds ex-
11 pended on administrative and managerial services by
12 the Agency and by grantees and the steps the Agen-
13 cy has taken to reduce unnecessary overhead costs
14 for each of the broadcasting services.

15 “(11) To utilize the provisions of titles III, IV,
16 V, VII, VIII, IX, and X of the United States Infor-
17 mation and Educational Exchange Act of 1948, and
18 section 6 of Reorganization Plan Number 2 of 1977,
19 as in effect on the day before the effective date of
20 title XIII of the Foreign Affairs Agencies Consolida-
21 tion Act of 1998, to the extent the Director con-
22 siders necessary in carrying out the provisions and
23 purposes of this title.

24 “(12) To utilize the authorities of any other
25 statute, reorganization plan, Executive order, regula-

1 tion, agreement, determination, or other official doc-
2 ument or proceeding that had been available to the
3 Director of the United States Information Agency,
4 the Bureau, or the Board before the effective date
5 of title XIII of the Foreign Affairs Consolidation Act
6 of 1998 for carrying out the broadcasting activities
7 covered by this title.

8 “(b) DELEGATION OF AUTHORITY.—The Board of
9 Governors may delegate to the Director of the Agency, or
10 any other officer or employee of the United States, the
11 authorities provided in this section, except those authori-
12 ties provided in paragraph (1), (2), (4), (5), (6), (7), or
13 (9) of subsection (a).

14 “(c) BROADCASTING BUDGETS.—The Director and
15 the grantees identified in sections 308 and 309 shall sub-
16 mit proposed budgets to the Board. The Board shall for-
17 ward its recommendations concerning the proposed budget
18 for the Board and broadcasting activities under this title,
19 the Radio Broadcasting to Cuba Act, and the Television
20 Broadcasting to Cuba Act to the Office of Management
21 and Budget.”.

22 **SEC. 533. ROLE OF THE SECRETARY OF STATE.**

23 Section 306 of the United States International
24 Broadcasting Act of 1994 (22 U.S.C. 6205) is amended
25 to read as follows:

1 **“SEC. 306. ROLE OF THE SECRETARY OF STATE.**

2 “To assist the Agency in carrying out its functions,
3 the Secretary of State shall provide such information and
4 guidance on foreign policy and public diplomacy issues to
5 the Agency as the Secretary considers appropriate.”.

6 **SEC. 534. ADMINISTRATIVE PROVISIONS.**

7 The United States International Broadcasting Act of
8 1994 is amended by striking section 307 and inserting the
9 following new section:

10 **“SEC. 307. ADMINISTRATIVE PROVISIONS.**

11 “(a) OFFICERS AND EMPLOYEES.—The Board of
12 Governors may appoint and fix the compensation of such
13 officers and employees as may be necessary to carry out
14 the functions of the Agency. Except as otherwise provided
15 by law, such officers and employees shall be appointed in
16 accordance with the civil service laws and their compensa-
17 tion shall be fixed in accordance with title 5, United States
18 Code.

19 “(b) EXPERTS AND CONSULTANTS.—The Board of
20 Governors, as may be provided in appropriation Acts, may
21 obtain the services of experts and consultants in accord-
22 ance with section 3109 of title 5, United States Code, and
23 may compensate such experts and consultants at rates not
24 to exceed the daily rate prescribed for level IV of the Exec-
25 utive Schedule under section 5315 of title 5, United States
26 Code.

1 “(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

2 “(1) IN GENERAL.—Notwithstanding section
3 1342 of title 31, United States Code, the Board of
4 Governors may accept, subject to regulations issued
5 by the Office of Personnel Management, voluntary
6 services if such services—

7 “(A) are to be uncompensated; and

8 “(B) are not used to displace any em-
9 ployee.

10 “(2) TREATMENT.—Any individual who pro-
11 vides voluntary services under this section shall not
12 be considered a Federal employee for any purpose
13 other than for purposes of chapter 81 of title 5,
14 United States Code (relating to compensation for in-
15 jury) and sections 2671 through 2680 of title 28,
16 United States Code (relating to tort claims).

17 “(d) DELEGATION.—Except as otherwise provided in
18 this Act, the Board of Governors may delegate any func-
19 tion to the Director and such other officers and employees
20 of the Agency as the Board of Governors may designate,
21 and may authorize such successive redelegations of such
22 functions within the Agency as may be necessary or appro-
23 priate.

24 “(e) CONTRACTS.—

1 “(1) IN GENERAL.—Subject to the Federal
2 Property and Administrative Services Act of 1949
3 and other applicable Federal law, the Board of Gov-
4 ernors may make, enter into, and perform such con-
5 tracts, grants, leases, cooperative agreements, and
6 other similar transactions with Federal or other pub-
7 lic agencies (including State and local governments)
8 and private organizations and persons, and to make
9 such payments, by way of advance or reimburse-
10 ment, as the Board of Governors may determine
11 necessary or appropriate to carry out functions of
12 the Board of Governors or the Agency.

13 “(2) APPROPRIATION AUTHORITY REQUIRED.—
14 No authority to enter into contracts or to make pay-
15 ments under this title shall be effective except to
16 such extent or in such amounts as are provided in
17 advance under appropriation Acts.

18 “(f) REGULATIONS.—The Director may prescribe
19 such rules and regulations as the Board of Governors con-
20 siders necessary or appropriate to administer and manage
21 the functions of the Agency, in accordance with chapter
22 5 of title 5, United States Code.

23 “(g) SEAL.—The Director shall cause a seal of office
24 to be made for the Agency of such design as the Board

1 of Governors shall approve. Judicial notice shall be taken
2 of such seal.”.

3 **SEC. 535. BROADCASTING BOARD OF GOVERNORS AND**
4 **INTERNATIONAL BROADCASTING BUREAU.**

5 The Broadcasting Board of Governors and the Inter-
6 national Broadcasting Bureau are abolished.

7 **SEC. 536. TRANSITION.**

8 (a) **TRANSFER OF FUNCTIONS.**—Except as otherwise
9 provided in this subtitle or an amendment made by this
10 subtitle, all functions that on the day before the effective
11 date specified in section 540 are authorized to be per-
12 formed by the Broadcasting Board of Governors and the
13 International Broadcasting Bureau and any officer, em-
14 ployee, or component of such entities, under any statute,
15 reorganization plan, Executive order, or other provision of
16 law, are transferred to the Agency established under this
17 title effective on that date.

18 (b) **DETERMINATION OF CERTAIN FUNCTIONS.**—If
19 necessary, the Office of Management and Budget shall
20 make any determination of the functions that are trans-
21 ferred under this title.

22 (c) **TRANSITION PROVISIONS.**—

23 (1) **EXERCISE OF AUTHORITIES.**—Except as
24 otherwise provided by law, the Board of Governors
25 may, for purposes of performing a function that is

1 transferred to the Agency by this title, exercise all
2 authorities under any other provision of law that
3 were available with respect to the performance of
4 that function to the official responsible for the per-
5 formance of that function on the day before the ef-
6 fective date specified in section 540.

7 (2) AUTHORITIES TO WIND UP AFFAIRS.—

8 (A) The Director of the Office of Manage-
9 ment and Budget may take such actions as the
10 Director of the Office of Management and
11 Budget considers necessary to wind up any out-
12 standing affairs of the Broadcasting Board of
13 Governors and the International Broadcasting
14 Bureau associated with the functions that are
15 transferred pursuant to subsection (a).

16 (B) The Director of the Office of Manage-
17 ment and Budget may take such actions as the
18 Director of the Office of Management and
19 Budget considers necessary to wind up any out-
20 standing affairs of the Broadcasting Board of
21 Governors and the International Broadcasting
22 Bureau associated with the functions that are
23 transferred pursuant to subsection (a).

24 (3) TRANSFER OF ASSETS.—Any property,
25 records, unexpended balances of appropriations, allo-

1 cations, and other funds employed, used, held, avail-
2 able, or to be made available in connection with a
3 function transferred to the Agency by this Act are
4 transferred on the effective date specified in section
5 540.

6 **SEC. 537. CONFORMING AMENDMENTS.**

7 (a) UNITED STATES INTERNATIONAL BROAD-
8 CASTING ACT OF 1994.—The United States International
9 Broadcasting Act of 1994 is amended as follows:

10 (1) Section 308 (22 U.S.C. 6207) is amended—

11 (A) in subsection (a)—

12 (i) by striking “The Board” and in-
13 sserting “The Agency”; and

14 (ii) in paragraph (1) by striking
15 “Broadcasting Board of Governors” and
16 inserting “Board Governors of the Inter-
17 national Broadcasting Agency”;

18 (B) in subsection (b)—

19 (i) by striking paragraph (2);

20 (ii) by striking “(1)”; and

21 (iii) by striking “Board” both places
22 it appears and inserting “Agency”;

23 (C) in subsections (c), (d), (g), (h), and (i)
24 by striking “Board” each place it appears and
25 inserting “Agency”;

1 (D) in subsection (g)(4) by striking “Inter-
2 national Broadcasting Bureau” and inserting
3 “Agency”; and

4 (E) in subsections (i) and (j) by striking
5 “and the Foreign Service” each place it ap-
6 pears.

7 (2) Section 309 (22 U.S.C. 6208) is amended—

8 (A) in subsection (c)(1) by striking
9 “Board” both places it appears and inserting
10 “Agency”;

11 (B) by striking subsection (e);

12 (C) in subsections (f) and (g) by striking
13 “Board” each place it appears and inserting
14 “Agency”; and

15 (D) in subsection (g) by striking “Chair-
16 man of the Board” and inserting “Agency”.

17 (3) By striking section 311 (22 U.S.C. 6210).

18 (4) In section 313 (22 U.S.C. 6212) by striking
19 “Board” and inserting “Agency”.

20 (5) In section 314 (22 U.S.C. 6213) by striking
21 paragraph (2).

22 (6) By striking section 315.

23 (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY
24 (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban
25 Liberty and Democratic Solidarity (LIBERTAD) Act of

1 1996 (22 U.S.C. 6037) is amended in subsections (a) and
2 (b) by striking “International Broadcasting Bureau” each
3 place it appears and inserting “United States Inter-
4 national Broadcasting Agency”.

5 (c) RADIO BROADCASTING TO CUBA ACT.—The
6 Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.)
7 is amended as follows:

8 (1) In section 3 (22 U.S.C. 1465a) as follows:

9 (A) In the section heading by striking
10 “BROADCASTING BOARD OF GOV-
11 ERNORS” and inserting “UNITED STATES
12 INTERNATIONAL BROADCASTING
13 AGENCY”.

14 (B) In subsection (a) by striking “the
15 ‘Board’” and inserting “the ‘Agency’”.

16 (C) In subsections (a), (d), and (f) by
17 striking “Broadcasting Board of Governors”
18 and inserting “United States International
19 Broadcasting Agency”.

20 (2) In section 4 (22 U.S.C. 1465b) as follows:

21 (A) In the first sentence by striking “The”
22 and all that follows through “Bureau” and in-
23 serting: “The Board of Governors of the United
24 States International Broadcasting Agency shall
25 establish within the Agency”.

1 (B) In the third sentence by striking
2 “Broadcasting Board of Governors” and insert-
3 ing “Board of Governors of the United States
4 International Broadcasting Agency”.

5 (C) In the fourth sentence by striking
6 “Board of the International Broadcasting Bu-
7 reau” and inserting “Board of Governors of the
8 United States International Broadcasting Agen-
9 cy”.

10 (3) In section 5 (22 U.S.C. 1465c) as follows:

11 (A) In subsection (b) by striking “Broad-
12 casting Board of Governors” and inserting
13 “Board of Governors of the United States
14 International Broadcasting Agency”.

15 (B) By striking “Board” each place it ap-
16 pears and inserting “Advisory Board”.

17 (4) In section 6 (22 U.S.C. 1465d) as follows:

18 (A) In subsection (a) by striking “Broad-
19 casting Board of Governors” and inserting
20 “United States International Broadcasting
21 Agency” and by striking “Board” and inserting
22 “Board of Directors of the United States Inter-
23 national Broadcasting Agency”.

1 (B) In subsection (b) by striking “Board”
2 and inserting “United States International
3 Broadcasting Agency”.

4 (5) In section 7 (22 U.S.C. 1465e) by striking
5 “Board” in subsections (b) and (d) and inserting
6 “United States International Broadcasting Agency”.

7 (6) In section 8(a) (22 U.S.C. 1465f(a)), by
8 striking “Broadcasting Board of Governors” and in-
9 serting “United States International Broadcasting
10 Agency”.

11 (d) TELEVISION BROADCASTING TO CUBA ACT.—
12 The Television Broadcasting to Cuba Act (22 U.S.C.
13 1465aa note) is amended as follows:

14 (1) Section 243(a) (22 U.S.C. 1465bb) is
15 amended by striking “Broadcasting Board of Gov-
16 ernors” and inserting “United States International
17 Broadcasting Agency”.

18 (2) Section 244 (22 U.S.C. 1465cc) is amended
19 as follows:

20 (A) In subsection (a) by amending the
21 third sentence to read as follows: “The Board
22 of Governors of the United States International
23 Broadcasting Agency shall appoint a head of
24 the Service who shall report directly to the
25 Board of Governors.”.

1 (B) In subsection (b) by striking “Board”
2 and inserting “United States International
3 Broadcasting Agency”.

4 (C) In subsection (c) by striking “The
5 Board” and inserting “The Agency” and by
6 striking “Board determines” and inserting
7 “Board of Governors of the United States
8 International Broadcasting Agency deter-
9 mines”.

10 (3) In section 246 (22 U.S.C. 1465dd) by strik-
11 ing “United States Information Agency” and insert-
12 ing “United States International Broadcasting
13 Agency” and by striking “Board” and inserting
14 “Board of Governors of the United States Inter-
15 national Broadcasting Agency”.

16 (e) UNITED STATES INFORMATION AND EDU-
17 CATIONAL EXCHANGE ACT OF 1948.—The United States
18 Information and Educational Exchange Act of 1948 (22
19 U.S.C. 1431 et seq.) is amended—

20 (1) in section 505 (22 U.S.C. 1464a), by strik-
21 ing “Broadcasting Board of Governors” each place
22 it appears and inserting “United States Inter-
23 national Broadcasting Agency”; and

24 (2) in section 506(c) (22 U.S.C. 1464b(c))—

1 (A) by striking “Broadcasting Board of
2 Governors” and inserting “United States Inter-
3 national Broadcasting Agency”; and

4 (B) by striking “Board” and inserting
5 “Agency”.

6 (f) FOREIGN SERVICE ACT OF 1980.—The Foreign
7 Service Act of 1980 (22 U.S.C. 3901 et seq.) is
8 amended—

9 (1) in section 202(a)(1) (22 U.S.C.
10 3922(a)(1)), by striking “Broadcasting Board of
11 Governors” and inserting “United States Inter-
12 national Broadcasting Agency”;

13 (2) in section 210 (22 U.S.C. 3930), by striking
14 “Broadcasting Board of Governors” and inserting
15 “United States International Broadcasting Agency”;

16 (3) in section 1003(a) (22 U.S.C. 4103(a)), by
17 striking “Broadcasting Board of Governors” and in-
18 serting “United States International Broadcasting
19 Agency”; and

20 (4) in section 1101(e) (22 U.S.C. 4131(e)), by
21 striking “Broadcasting Board of Governors,” and in-
22 serting “the United States International Broad-
23 casting Agency,”.

1 (g) STATE DEPARTMENT BASIC AUTHORITIES ACT
2 OF 1956.—The State Department Basic Authorities Act
3 of 1956 (22 U.S.C. 2651a et seq.) is amended—

4 (1) in section 23(a) (22 U.S.C. 2695(a)), by
5 striking “Broadcasting Board of Governors,” and in-
6 serting “United States International Broadcasting
7 Agency,”;

8 (2) in section 25(f) (22 U.S.C. 2697(f))—

9 (A) by striking “Broadcasting Board of
10 Governors” and inserting “United States Inter-
11 national Broadcasting Agency”; and

12 (B) by striking “the Board and the Agen-
13 cy” and inserting “their respective agencies”;

14 (3) in section 26(b) (22 U.S.C. 2698(b))—

15 (A) by striking ‘Broadcasting Board of
16 Governors,’ and inserting “United States Inter-
17 national Broadcasting Agency”; and

18 (B) by striking “the Board and the Agen-
19 cy” and inserting “their respective agencies”;
20 and

21 (4) in section 32 (22 U.S.C. 2704), by striking
22 “Broadcasting Board of Governors” and inserting
23 “United States International Broadcasting Agency”.

24 (h) TITLE 5, UNITED STATES CODE.—

1 (1) Section 5314 of title 5, United States Code,
2 is amended by adding at the end the following: “Di-
3 rector, United States International Broadcasting
4 Agency.”.

5 (2) Section 5315 of title 5, United States Code,
6 is amended by striking “Director of the Inter-
7 national Broadcasting Bureau.”.

8 **SEC. 538. REFERENCES.**

9 Except as otherwise provided in this subtitle or an
10 amendment made by this subtitle, any reference in any
11 statute, reorganization plan, Executive order, regulation,
12 agreement, determination, or other official document or
13 proceeding to the Broadcasting Board of Governors and
14 the International Broadcasting Bureau or any other offi-
15 cer or employee of the Broadcasting Board of Governors
16 or the International Broadcasting Bureau shall be deemed
17 to refer to the United States International Broadcasting
18 Agency or the Board of Governors of the United States
19 International Broadcasting Agency established under this
20 subtitle.

21 **SEC. 539. BROADCASTING STANDARDS.**

22 Section 303(a) of the United States International
23 Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is
24 amended—

25 (1) in paragraph (6) by striking “and”;

1 (2) in paragraph (8) by striking the period and
2 inserting “; and”; and

3 (3) by adding after paragraph (8) the following
4 new paragraph:

5 “(9) seek to ensure that resources are allocated
6 to broadcasts directed at people whose governments
7 deny freedom of expression or who are otherwise in
8 special need of honest and professional broadcasting,
9 commensurate with the need for such broadcasts.”.

10 **SEC. 540. EFFECTIVE DATE.**

11 Except as otherwise provided, this subtitle and the
12 amendments made by this subtitle shall take effect on the
13 last day of the 6-month period beginning on the date of
14 the enactment of this Act.

15 **TITLE VI—INTERNATIONAL**
16 **FREE MEDIA ACT OF 2003**

17 **SEC. 601. SHORT TITLE.**

18 This title may be cited as the “International Free
19 Media Act of 2003”.

20 **SEC. 602. DEFINITIONS.**

21 In this title, the term “free media” means individuals
22 or organizations engaged in the gathering and distribution
23 of news and information free of direct or indirect govern-
24 mental control.

1 **SEC. 603. FINDINGS.**

2 The Congress makes the following findings:

3 (1) Freedom of speech and freedom of the press
4 are fundamental human rights enshrined in inter-
5 national law.

6 (2) The United States has a national interest in
7 promoting these freedoms by supporting free media
8 abroad, which is essential to the development of free
9 and democratic societies consistent with our own.

10 (3) Free media is undermined, endangered, or
11 nonexistent in many repressive and transitional soci-
12 eties around the world, including in Eurasia, Africa,
13 and the Middle East.

14 (4) Free media is suppressed by foreign govern-
15 ments by a variety of means, including state censor-
16 ship, legal restriction, financial pressure, and phys-
17 ical intimidation.

18 (5) Unprofessional and unethical media that
19 violate widely accepted standards of professional
20 journalism and editorial practice compromises the
21 ability of a free media to contribute to open, fair,
22 and constructive democratic debate.

23 (6) Unprofessional and unethical media in-
24 cludes media that violate the standards set in the
25 International Covenant on Civil and Political Rights,
26 which includes article 20, section 2 of the Covenant

1 which states that “Any advocacy of national, racial,
2 or religious hatred that constitutes incitement to dis-
3 crimination, hostility, or violence shall be prohibited
4 by law.”.

5 (7) Individuals lacking access to a plurality of
6 free media are vulnerable to misinformation and
7 propaganda and are potentially more likely to adopt
8 anti-American views.

9 (8) Foreign governments have a responsibility
10 to actively and publicly discourage and rebut unpro-
11 fessional and unethical media while respecting jour-
12 nalistic integrity and editorial independence.

13 (9) Past and continuing United States Govern-
14 ment efforts to promote free media through training
15 and technical support have advanced United States
16 national interests by contributing to the promotion
17 of human rights and democracy worldwide.

18 (10) Support for free media must be an integral
19 part of United States foreign policy, including public
20 diplomacy and United States international broad-
21 casting, and should be coordinated across govern-
22 ment agencies and with international, bilateral, and
23 private donor organizations toward achieving the
24 shared goal of developing professional, ethical, diver-

1 sified, sustainable, independent, indigenous media
2 worldwide.

3 **SEC. 604. STATEMENTS OF POLICY.**

4 It shall be the policy of the United States, acting
5 through the Secretary of State, to—

6 (1) make the promotion of press freedoms and
7 free media worldwide a priority of United States for-
8 eign policy and an integral component of United
9 States public diplomacy;

10 (2) respect the journalistic integrity and edi-
11 torial independence of free media worldwide;

12 (3) use widely accepted standards for profes-
13 sional and ethical journalistic and editorial practices
14 in assessing international media; and

15 (4) discourage incitement to discrimination,
16 hostility, or violence, based on nationality, race, or
17 religion, as described in article 20, section 2, of the
18 International Covenant on Civil and Political Rights,
19 and develop a strategy to respond to it.

20 **SEC. 605. COORDINATOR FOR INTERNATIONAL FREE**
21 **MEDIA.**

22 (a) ESTABLISHMENT.—There is established within
23 the Department of State a Coordinator for International
24 Free Media (in this section referred to as the “Coordi-

1 nator’’). At the discretion of the President another official
2 at the Department of State may serve as the Coordinator.

3 (b) APPOINTMENT OF COORDINATOR.—The Coordi-
4 nator shall be appointed by the President, by and with
5 the advice and consent of the Senate.

6 (c) DUTIES.—The principal duties of the Coordinator
7 shall be the promotion of international press freedoms and
8 free media by—

9 (1) coordinating United States government poli-
10 cies, programs, and projects concerning international
11 press freedoms and free media;

12 (2) in consultation with appropriate agencies of
13 the United States Government and national and
14 international organizations, monitoring and assess-
15 ing the status of free media and government con-
16 trolled sources of information, including for incite-
17 ment of national, racial, or religious hatred that con-
18 stitutes incitement to discrimination, hostility, or vi-
19 olence, as described in article 20 of the International
20 Covenant on Civil and Political Rights;

21 (3) promoting widely accepted standards of pro-
22 fessional and ethical journalism and editorial prac-
23 tices;

24 (4) discouraging media and government con-
25 trolled sources of information from advocating na-

1 tional, racial, or religious hatred that constitutes in-
2 citement to discrimination, hostility, or violence con-
3 sistent with article 20, section 2 of the International
4 Covenant on Civil and Political Rights;

5 (5) reporting foreign media that advocates na-
6 tional, racial, or religious hatred that constitutes in-
7 citement to discrimination, hostility, or violence con-
8 sistent with article 20, section 2, of the International
9 Covenant on Civil and Political Rights and making
10 available to the public and to the United States
11 Agency for International Broadcasting translations
12 of such media to the extent practicable;

13 (6) promoting the journalistic integrity and edi-
14 torial independence of free media worldwide;

15 (7) advising the President and the Secretary of
16 State regarding matters of international press free-
17 doms and free media;

18 (8) representing the United States in matters
19 and cases relevant to international press freedoms
20 and free media;

21 (9) assisting the Secretary of State in preparing
22 the portions of the Department of State country re-
23 ports on human rights that relate to international
24 press freedoms and free media and incitement to
25 acts of discrimination;

1 (10) consulting with the Broadcasting Board of
2 Governors and the United States Agency for Inter-
3 national Development for the purpose of promoting
4 free media through training of international journal-
5 ists, producers, editors, and media managers; and

6 (11) administering the International Free
7 Media Fund (established in section 607) in consulta-
8 tion with the United States Advisory Commission on
9 Public Diplomacy and International Media.

10 (d) ASSESSMENT FACTORS.—In making an assess-
11 ment of media within individual countries pursuant to sub-
12 section (c)(2), the Coordinator shall take into account—

13 (1) the number and diversity of media;

14 (2) access to and consumption of media by pop-
15 ulations;

16 (3) the extent of direct or indirect government
17 ownership, control, or censorship of media outlets;

18 (4) the financial viability and profitability of
19 free media;

20 (5) the extent to which journalists, editors, and
21 media managers adhere to widely accepted standards
22 for professional and ethical journalism;

23 (6) domestic laws addressing press freedoms;

24 (7) instances in which the media and govern-
25 ment-controlled sources of information have incited

1 discrimination, hostility, or violence consistent with
2 article 20, section 2 of the International Covenant
3 on Civil and Political Rights;

4 (8) physical threats, intimidation or inappro-
5 priate pressure by government on free media;

6 (9) the number of journalists, editors, pro-
7 ducers, and media managers receiving training from
8 programs of the Department of State, the Broad-
9 casting Board of Governors, grantees of the United
10 States Agency for International Development, or
11 other organizations qualified to provide such train-
12 ing; and

13 (10) the activity of local and international non-
14 governmental organizations promoting press free-
15 doms and free media and obstacles to their activity.

16 (e) CONSULTATION REQUIREMENT.—The Coordi-
17 nator shall consult with United States public affairs offi-
18 cers and other United States foreign mission personnel di-
19 rectly engaged in interacting with indigenous media in car-
20 rying out the duties specified in subsection (c).

21 (f) DETERMINATION.—The Coordinator shall deter-
22 mine, and annually report to the appropriate congressional
23 committees, whether there is a pattern of government-con-
24 trolled information that constitutes incitement (as de-
25 scribed in article 20 of the International Covenant on Civil

1 and Political Rights) and that endangers United States
2 citizens or nationals, impairs relations between the United
3 States and the foreign government, or constitutes incite-
4 ment to national, racial, or religious discrimination, hos-
5 tility, or violence. The Coordinator shall specify the gov-
6 ernments engaged in such practices and examples of such
7 incitement and propaganda.

8 (g) FUNDING.—The Secretary of State shall ensure
9 that the Coordinator has adequate staff and funding for
10 the conduct of investigations, the administration of the
11 International Free Media Fund, necessary travel, and
12 other activities necessary to carry out the provisions of
13 this section.

14 **SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUB-**
15 **LIC DIPLOMACY AND INTERNATIONAL**
16 **MEDIA.**

17 (a) ESTABLISHMENT.—Section 604(a)(1) of the
18 United States Information and Educational Exchange Act
19 of 1948 (22 U.S.C. 1469) is amended to read as follows:

20 “(1) There is established an advisory commis-
21 sion to be known as the United States Advisory
22 Commission on Public Diplomacy and International
23 Media.”.

24 (b) DUTIES AND RESPONSIBILITIES.—Section 604(c)
25 of the United States Information and Exchange Act of

1 1948 (22 U.S.C. 1469) is amended by adding at the end
2 the following:

3 “(5) The Commission shall—

4 “(A) advise the Coordinator for Inter-
5 national Free Media on issues relating to the
6 promotion of international press freedoms and
7 free media;

8 “(B) assist the Coordinator for Inter-
9 national Free Media in monitoring and assess-
10 ing the status of free media worldwide;

11 “(C) consult with the Coordinator on the
12 administration of the International Free Media
13 Fund; and

14 “(D) make policy recommendations to the
15 President, the Secretary of State, and Congress
16 with respect to matters involving international
17 press freedoms and free media.”.

18 (c) REFERENCES.—Except as otherwise provided in
19 this section or an amendment made by this section, any
20 reference in any statute, reorganization plan, Executive
21 order, regulation, agreement, determination, or other offi-
22 cial document or proceeding to the United States Advisory
23 Commission on Public Diplomacy or any other officer or
24 employee of the United States Advisory Commission on
25 Public Diplomacy shall be deemed to refer to the United

1 States Advisory Commission on Public Diplomacy and
2 International Media established under this section.

3 **SEC. 607. INTERNATIONAL FREE MEDIA FUND.**

4 (a) ESTABLISHMENT.—There is established an Inter-
5 national Free Media Fund (in this section referred to as
6 the “Fund”) at the Department of State.

7 (b) PURPOSES.—The purposes of the Fund shall
8 be—

9 (1) to promote the development of free and
10 independent media worldwide which adhere to widely
11 accepted standards of professional and ethical jour-
12 nalism and editorial practice; and

13 (2) to complement current efforts by the De-
14 partment of State, the United States Agency for
15 International Development, the Broadcasting Board
16 of Governors, and other agencies of the United
17 States Government to support free and independent
18 media worldwide.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
20 tion to amounts otherwise authorized to be appropriated
21 to carry out the purposes specified in subsection (b), there
22 is authorized to be appropriated to the Fund \$15,000,000
23 for fiscal year 2004. Such amounts are authorized to re-
24 main available until expended.

1 (d) NONAPPLICABILITY OF OTHER LAWS.—Notwith-
2 standing any other provision of law, funds appropriated
3 pursuant to subsection (c) may be used for the purposes
4 of this section.

5 (e) ADMINISTRATION.—

6 (1) The Fund shall be administered by the Co-
7 ordinator in consultation with the Commission.

8 (2) Activities and assistance financed through
9 the Fund may be carried out through grants, con-
10 tracts, technical assistance, and material support.

11 (f) ELIGIBLE ORGANIZATIONS, PROGRAMS, AND
12 PROJECTS.—Amounts in the Fund may be used to carry
13 out activities and provide assistance only for organiza-
14 tions, programs, and projects consistent with the purposes
15 set forth in subsection (b).

16 (g) PROHIBITIONS.—Amounts in the Fund shall not
17 be used to carry out activities or provide assistance to or-
18 ganizations, programs, or projects which advocate na-
19 tional, racial, or religious hatred that incites discrimina-
20 tion, hostility, or violence consistent with article 20, sec-
21 tion 2 of the International Covenant on Civil and Political
22 Rights.

23 (h) ASSISTANCE CRITERIA.—In administering the
24 Fund, the Coordinator shall take into account—

1 (1) the importance of providing assistance to
2 organizations, programs, and projects based on their
3 proven or potential contribution to the development
4 of a free media environment worldwide;

5 (2) the importance of enabling free media to be-
6 come commercially viable and financially inde-
7 pendent in the long term; and

8 (3) the importance of providing media per-
9 sonnel whose organizations, programs, or projects
10 receive assistance under this section for training in
11 professional and ethical journalism, editorial prac-
12 tices, and media management by the Department of
13 State, the Broadcasting Board of Governors, United
14 States Agency for International Development grant-
15 ees, or other organizations qualified to provide such
16 training.

17 (i) ANNUAL REPORTS.—Not later than January 31,
18 of 2005 and in each subsequent year, the Coordinator
19 shall publish an annual report on the activities of the
20 Fund, which shall include a comprehensive and detailed
21 description of the operations, activities, financial condi-
22 tion, and accomplishments under this section for the pre-
23 ceding fiscal year. The reports shall also include an assess-
24 ment of whether the Fund should also provide loans and

1 guarantees as an additional means to carry out the pur-
2 poses of this title.

3 (j) CONSULTATION REQUIREMENTS.—

4 (1) The Coordinator shall consult with the
5 State Department official primarily responsible for
6 developing and implementing United States policy
7 with respect to a country prior to carrying out ac-
8 tivities or providing assistance for such country
9 through the Fund.

10 (2) Amounts in the Fund shall be used to carry
11 out activities or provide assistance on the basis of
12 consultations among all relevant United States Gov-
13 ernment agencies operating in the country and with
14 the approval of the chief of mission.

15 **SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE**
16 **BROADCASTING BOARD OF GOVERNORS.**

17 (a) IN GENERAL.—The Broadcasting Board of Gov-
18 ernors shall make support for indigenous free media an
19 integral part of its mission.

20 (b) AFFILIATES.—The Broadcasting Board of Gov-
21 ernors shall submit a report to the appropriate congres-
22 sional committees on the prospects and strategy for culti-
23 vating affiliate relationships with free media in countries
24 targeted for United States international broadcasting.

1 (c) TRAINING.—The Broadcasting Board of Gov-
2 ernors shall enhance foreign journalist training programs
3 in coordination with existing training programs adminis-
4 tered by the Department of State and the United States
5 Agency for International Development.

6 (d) AUTHORIZATION FOR APPROPRIATIONS.—In ad-
7 dition to amounts otherwise authorized to be appropriated,
8 there is authorized to be appropriated \$2,500,000 for the
9 fiscal year 2004 and \$2,500,000 for the fiscal year 2005
10 to support free media in countries in which the Broad-
11 casting Board of Governors is decreasing or discontinuing
12 United States international broadcasting activity.

13 **TITLE VII—MISCELLANEOUS**
14 **PROVISIONS**

15 **Subtitle A—Reporting**
16 **Requirements**

17 **SEC. 702. REPORTS TO COMMITTEE ON INTERNATIONAL**
18 **RELATIONS.**

19 Notwithstanding any other provision of law, for the
20 fiscal years 2004 and 2005, any report required by law
21 or otherwise requested to be submitted by the Secretary
22 of State or the Department of State to any committee of
23 the Congress shall be submitted also to the Committee on
24 International Relations of the House of Representatives.

1 **SEC. 702. REPORTS CONCERNING THE CAPTURE AND PROS-**
2 **ECUTION OF PARAMILITARY AND OTHER**
3 **TERRORIST LEADERS IN COLOMBIA.**

4 (a) FINDINGS.—The Congress makes the following
5 findings:

6 (1) As reported in the Department of State re-
7 port Patterns of Global Terrorism 2001, the United
8 Self-Defense Forces of Colombia (also referred to as
9 “AUC” or “paramilitaries”) have been designated as
10 a foreign terrorist organization by the United States
11 primarily because of their increasing reliance on ter-
12 rorist methods, such as the use of massacres, to pur-
13 posefully displace segments of the population as re-
14 taliation for allegedly supporting the AUC’s rival or-
15 ganizations, the Revolutionary Armed Forces of Co-
16 lombia (FARC) and the National Liberation Army
17 (ELN) of Colombia. According to the report, the
18 paramilitaries also use terrorist tactics to compete
19 for narcotics-trafficking corridors and prime coca-
20 growing terrain.

21 (2) The Department of State concluded in the
22 2001 Country Report on Human Rights Practices
23 that despite increased efforts by the Government of
24 Colombia to combat and capture members of para-
25 military groups, security forces sometimes illegally
26 collaborate with paramilitaries forces and often fail

1 to take action to prevent paramilitary attacks which
2 lead to serious abuses of human rights.

3 (3) In September 2002, Amnesty International,
4 Human Rights Watch, and the Washington Office
5 on Latin America released a report which argued
6 that the Colombian Government had not made sub-
7 stantial progress toward suspending officers impli-
8 cated in human rights abuses, conducting effective
9 judicial investigations of such abuses, or breaking
10 the persistent links between some units of the Co-
11 lombian military and paramilitary groups.

12 (4) In February 2003, the United Nations High
13 Commissioner for Human Rights in Colombia re-
14 ported that some units of the Colombian Security
15 Forces continued to collude openly with illegal para-
16 military groups in operations which resulted in viola-
17 tions of human rights.

18 (5) The Consolidated Appropriations Resolu-
19 tion, 2003 (Public Law 108–7) made available not
20 less than \$5,000,000 to support a Colombian Armed
21 Forces unit which is dedicated to apprehending lead-
22 ers of Colombian paramilitary organizations.

23 (b) REPORTS TO CONGRESS.—Not later than 30 days
24 after the date of enactment of this Act, and every 180
25 days thereafter, the Secretary of State, after consulting

1 with internationally recognized human rights organiza-
2 tions pursuant to the procedures required in section
3 564(b) of the Consolidated Appropriations Resolution,
4 2003, shall submit a report, in unclassified form (with a
5 classified annex if necessary), on the specific measures
6 that the Colombian authorities are taking to apprehend
7 effectively and prosecute aggressively leaders of para-
8 military organizations, to the Committee on International
9 Relations of the House of Representatives and the Com-
10 mittee on Foreign Relations of the Senate.

11 (c) CONTENTS OF REPORTS.—Each report submitted
12 pursuant to subsection (b) shall—

13 (1) identify which Colombian Armed Forces
14 units are receiving assistance to apprehend leaders
15 of Colombian paramilitary organizations;

16 (2) describe the amount and purposes of such
17 assistance;

18 (3) describe operations by Colombian security
19 forces to apprehend and arrest leaders of Colombian
20 paramilitary organizations;

21 (4) list the number of detentions, captures, and
22 arrests of leaders of Colombian paramilitary organi-
23 zations, disaggregating the number according to
24 those detentions, captures, and arrests which were

1 carried out by Colombian security forces identified
2 under paragraph (1);

3 (5) briefly describe the status of investigations
4 and prosecutions of cases by the Colombian Attorney
5 General's office involving the arrests of leaders of
6 Colombian paramilitary organizations; and

7 (6) estimate the number of hours of use by the
8 Colombian military of helicopters provided by the
9 United States under Plan Colombia and successor
10 programs to apprehend the leaders of Colombian
11 paramilitary organizations, as well as leaders of the
12 FARC and ELN, including those individuals who
13 have United States indictments pending against
14 them.

15 **SEC. 703. REPORTS RELATING TO MAGEN DAVID ADOM SO-**
16 **CIETY.**

17 (a) FINDINGS.—Section 690(a) of the Foreign Rela-
18 tions Authorization Act, Fiscal Year 2003 (Public Law
19 107–228) is amended by adding at the end the following:

20 “(5) Since the founding of the Magen David
21 Adom in 1930, the American Red Cross has re-
22 garded it as a sister national society forging close
23 working ties between the two societies and has con-
24 sistently advocated recognition and membership of

1 the Magen David Adom in the International Red
2 Cross and Red Crescent Movement.

3 “(6) The American Red Cross and Magen
4 David Adom signed an important memorandum of
5 understanding in November 2002, outlining areas
6 for strategic collaboration, and the American Red
7 Cross will encourage other societies to establish simi-
8 lar agreements with Magen David Adom.”.

9 (b) SENSE OF CONGRESS.—Section 690(b) of such
10 Act is amended—

11 (1) in paragraph (3) after the semicolon by
12 striking “and”;

13 (2) by redesignating paragraph (4) as para-
14 graph (5); and

15 (3) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) the High Contracting Parties to the Gene-
18 va Conventions of August 12, 1949, should adopt
19 the October 12, 2000, draft additional protocol
20 which would accord international recognition to an
21 additional distinctive emblem; and”.

22 (c) REPORT.—Section 690 of such Act is further
23 amended by adding at the end the following:

24 “(c) REPORT.—Not later than 60 days after the date
25 of the enactment of the Foreign Relations Authorization

1 Act, Fiscal Years 2004 and 2005 and annually thereafter,
2 the Secretary of State shall submit a report, on a classified
3 basis if necessary, to the appropriate congressional com-
4 mittees describing—

5 “(1) efforts by the United States to obtain full
6 membership for the Magen David Adom in the
7 International Red Cross Movement;

8 “(2) efforts by the International Committee of
9 the Red Cross to obtain full membership for the
10 Magen David Adom in the International Red Cross
11 Movement;

12 “(3) efforts of the High Contracting Parties to
13 the Geneva Convention of 1949 to adopt the October
14 12, 2000, draft additional protocol; and

15 “(4) the extent to which the Magen David
16 Adom of Israel is participating in the activities of
17 the International Red Cross and Red Crescent Move-
18 ment.”.

19 **SEC. 704. REPORT CONCERNING THE RETURN OF POR-**
20 **TRAITS OF HOLOCAUST VICTIMS TO THE**
21 **ARTIST DINA BABBITT.**

22 (a) FINDINGS.—The Congress makes the following
23 findings:

24 (1) Dina Babbitt (formerly known as Dinah
25 Gottliebova), a United States citizen, has requested

1 the return of watercolor portraits she painted while
2 suffering a one and one-half year long internment at
3 the Auschwitz death camp during World War II,
4 where she was ordered to paint portraits by the infa-
5 mous war criminal Dr. Josef Mengele.

6 (2) Congress has previously considered the
7 issue, under the Foreign Relations Authorization
8 Act, Fiscal Year 2003 (Public Law 107–228), and
9 urged the Administration to facilitate the return of
10 the paintings to Dina Babbitt.

11 (3) The Administration has not yet reported
12 any progress in furthering this goal, nor has the
13 Secretary reported on the status of any negotiations
14 held with the intent of furthering this goal.

15 (b) SENSE OF CONGRESS.—The Congress—

16 (1) continues to recognize the moral right of
17 Dina Babbitt to obtain the artwork she created, and
18 recognizes her courage in the face of the evils per-
19 petrated by the Nazi command of the Auschwitz-
20 Birkenau death camp, including the atrocities com-
21 mitted by Dr. Josef Mengele;

22 (2) urges the President of the United States to
23 make all necessary efforts to retrieve the 7 water-
24 color portraits painted by Dina Babbitt, during her
25 internment at the Auschwitz death camp; and

1 (3) urges the Secretary of State to make imme-
2 diate diplomatic efforts to facilitate the transfer of
3 the 7 original watercolors painted by Dina Babbitt
4 from the Auschwitz-Birkenau State Museum to Dina
5 Babbitt, their rightful owner.

6 (c) REPORTING REQUIREMENT.—Not later than 180
7 days after the date of the enactment of this Act, the Sec-
8 retary of State shall submit a report to the appropriate
9 congressional committees, describing all diplomatic efforts
10 the United States has taken to facilitate the return of the
11 paintings referred to in this section to Dina Babbitt.

12 **SEC. 705. REPORT TO CONGRESS ON USE OF VESTED AS-**
13 **SETS.**

14 Section 203(a) of the International Emergency Eco-
15 nomic Powers Act (50 U.S.C. 1702(a)) is amended—

16 (1) in subparagraph (C), by inserting “, subject
17 to paragraph (4),” after “such interest or property
18 shall”; and

19 (2) by adding at the end the following:

20 “(4) The authority under paragraph (1)(C) to use
21 property that has been vested or to use assets that have
22 been liquidated may not be exercised until 15 days after
23 the President has notified the Committee on International
24 Relations of the House of Representatives and the Com-
25 mittee on Foreign Relations of the Senate of the purpose

1 for which such vested property or liquidated assets will
2 be so used.”.

3 **SEC. 706. REPORT CONCERNING THE CONFLICT IN UGAN-**

4 **DA.**

5 (a) SENSE OF CONGRESS.—It is the sense of the Con-
6 gress that the United States should—

7 (1) exhaust all diplomatic means and pressures,
8 including the creation of a United States role in ne-
9 gotiating humanitarian access to hitherto inaccess-
10 sible populations which would offer an opportunity
11 to bring the warring parties together to build con-
12 fidence, to support an immediate peaceful resolution
13 to the 16-year old conflict in Northern Uganda that
14 has—

15 (A) killed an estimated 23,000 people, in-
16 cluding 12,000 civilians,

17 (B) resulted in the forced abduction, sex-
18 ual servitude, and armed recruitment of be-
19 tween 16,000 to 26,000 Ugandan children by
20 the Lord’s Resistance Army, a renegade army
21 that has in the past sought refuge in southern
22 Sudan and raided villages in northern Uganda,

23 (C) displaced over 800,000 Ugandan citi-
24 zens and Sudanese refugees,

1 (D) resulted in the death and abduction of
2 humanitarian aid workers, and

3 (E) gravely inhibited the delivery of emer-
4 gency assistance and food aid to nearly 1 mil-
5 lion northern Ugandan civilians dependent on
6 such assistance for survival;

7 (2) urge rebel forces to stop the abduction of
8 children, urge all forces to stop the use of child sol-
9 diers, and seek the release of all forcibly-held chil-
10 dren;

11 (3) make available technical assistance re-
12 sources to seek, track, and stop funding for the
13 Lord's Resistance Army (LRA) from all sources and
14 condemn all governments and organizations who do
15 assist the LRA;

16 (4) monitor and support negotiations conducted
17 by third-party institutions for an immediate cease-
18 fire between the LRA and the Ugandan Govern-
19 ment, and to explore the possibility of facilitating
20 the creation of mechanisms for an international
21 monitoring team to enforce this cease-fire as the
22 first step in the process toward a permanent peace;

23 (5) continue supporting the Sudan Peace Proc-
24 ess and Danforth Initiative, which includes peace
25 talks, donor coordination, regional support, civilian

1 protection and monitoring, and cease-fire verification
2 and consider modeling aspects of this process in
3 northern Uganda;

4 (6) make available sufficient resources to meet
5 the immediate relief of the towns and cities sup-
6 porting large displaced populations, including food,
7 clean water, medicine, shelter, and clothing;

8 (7) make available increased resources for as-
9 sistance to released and returned abducted children
10 and child soldiers and ensure that amnesty is pro-
11 vided when appropriate;

12 (8) work with other donors and the Ugandan
13 Government to increase resources and technical sup-
14 port to the Uganda Amnesty Commission for the in-
15 creased demobilization of rebel combatants;

16 (9) examine ways in which development assist-
17 ance can help those living in protective villages in
18 northern Uganda return to and cultivate farmland;
19 and

20 (10) condition military assistance to Uganda on
21 its international compliance with sustained troop
22 withdrawals from the Democratic Republic of Congo
23 where the presence of Ugandan armies has contrib-
24 uted to the violence and instability in the region.

1 (b) REPORTS TO CONGRESS.—Not later than 180
2 days after the date of the enactment of this Act, and not
3 later than April 1 of each subsequent year, the Secretary
4 shall submit to the appropriate congressional committees
5 a report on the comprehensive actions of the United States
6 in seeking a peaceful and immediate solution to conflict
7 in northern Uganda as well as humanitarian assistance
8 efforts to the region, including efforts to advance each
9 area addressed in subsection (a).

10 **SEC. 707. REQUIREMENT FOR REPORT ON UNITED STATES**

11 **POLICY TOWARD HAITI.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The United States has a political and eco-
15 nomic interest and a humanitarian and moral re-
16 sponsibility in assisting the Government and people
17 of Haiti in resolving the country's problems and
18 challenges.

19 (2) The situation in Haiti is increasingly cause
20 for alarm and concern, and a sustained, coherent,
21 and active approach by the United States Govern-
22 ment is needed to make progress toward resolving
23 Haiti's political and economic crises.

24 (b) REQUIREMENT FOR REPORT.—Not later than 60
25 days after the date of enactment of this Act, the Sec-

1 retary, in consultation with the Secretary of the Treasury,
2 shall submit to the appropriate congressional committees
3 a report that describes United States policy toward Haiti.

4 The report shall include the following:

5 (1) A description of the activities carried out by
6 the United States Government to resolve Haiti's po-
7 litical crisis and to promote the holding of free and
8 fair elections in Haiti at the earliest possible date.

9 (2) A description of the activities that the
10 United States Government anticipates initiating to
11 resolve the political crisis and promote free and fair
12 elections in Haiti.

13 (3) An assessment of whether Resolution 822
14 issued by the Permanent Council of the Organiza-
15 tion of American States on September 4, 2002, is an
16 appropriate framework for a multilateral approach
17 to resolving the political and economic crises in
18 Haiti.

19 (4) A description of the status of efforts to re-
20 lease the approximately \$146,000,000 in loan funds
21 that have been approved by the Inter-American De-
22 velopment Bank to Haiti for the purposes of reha-
23 bilitating rural roads, reorganizing the health sector,
24 improving potable water supply and sanitation, and
25 providing basic education, a description of any ob-

1 stacles that are delaying the release of the loan
2 funds, and recommendations for overcoming such
3 obstacles, including whether any of the following
4 would facilitate the release of such funds:

5 (A) Establishing an International Mone-
6 tary Fund staff monitoring program in Haiti.

7 (B) Obtaining bridge loans or other
8 sources of funding to pay the cost of any ar-
9 rears owed by the Government of Haiti to the
10 Inter-American Development Bank.

11 (C) Providing technical assistance to the
12 Government of Haiti to permit the Government
13 to meet international financial transparency
14 and other requirements.

15 **SEC. 708. REPORT ON THE EFFECTS OF PLAN COLOMBIA**
16 **ON ECUADOR.**

17 (a) **FINDINGS.**—The Congress makes the following
18 findings:

19 (1) Section 695 of the Foreign Relations Au-
20 thorization Act, Fiscal Year 2003 (Public Law 107–
21 228) required the Secretary of State to submit a re-
22 port to Congress on the impact of Plan Colombia on
23 Ecuador and the other adjacent countries to Colom-
24 bia within 150 days after the date of the enactment
25 of that Act.

1 (2) The 150 day time period for the submission
2 of such report has lapsed without a report being
3 submitted to the Congress.

4 (3) There continues to be growing alarm con-
5 cerning the spillover effect of Plan Colombia on Ee-
6 uador, a frontline state, especially in the northern
7 region of Ecuador which includes the Sucumbios
8 province.

9 (b) REPORT TO CONGRESS.—Not later than 30 days
10 after the date of the enactment of this Act, the Secretary
11 of State shall submit a report to the appropriate congres-
12 sional committees which sets forth—

13 (A) a statement of policy and comprehen-
14 sive strategy for United States activities in Co-
15 lombia related to the impact of Plan Colombia
16 on Ecuador and the other adjacent countries to
17 Colombia; and

18 (B) the reasons for the failure of the De-
19 partment of State to submit the report required
20 by section 695 of Public Law 107–228 within
21 the time period mandated by law.

22 **SEC. 709. REPORT ON ACTIONS TAKEN BY PAKISTAN.**

23 For each of fiscal years 2004 and 2005, the President
24 shall prepare and transmit to the appropriate congres-

1 sional committees a report that contains a description of
2 the extent to which the Government of Pakistan—

3 (1) has closed all known terrorist training
4 camps operating in Pakistan and Pakistani-held
5 Kashmir;

6 (2) has established serious and identifiable
7 measures to prohibit the infiltration of Islamic ex-
8 tremists across the “Line of Control” (LoC) into
9 India; and

10 (3) has ceased the transfer of weapons of mass
11 destruction, including any associated technologies, to
12 any third country or terrorist organization.

13 **SEC. 710. REPORT ON DEMOCRACY IN THE WESTERN HEMI-**
14 **SPHERE.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) Although 34 out of 35 countries in the
17 Western Hemisphere have held elections for civilian
18 leaders of national, regional, and local governments,
19 many of these countries have failed to successfully
20 develop independent democratic institutions, trans-
21 parent and accountable governance, and effective
22 means of guaranteeing the rule of law, which are key
23 components of a fully functioning democracy.

24 (2) The rule of law, independent democratic in-
25 stitutions, and transparent, accountable governance

1 are essential for guaranteeing human rights, espe-
2 cially civil, political, and labor rights.

3 (3) The rule of law, independent democratic in-
4 stitutions, and transparent accountable governance
5 are also necessary for promoting successful economic
6 development and reliable trading and investment
7 mechanisms.

8 (4) In part because of the lack of these three
9 factors, progress on human rights and economic de-
10 velopment has lagged or been uneven in much of the
11 Western Hemisphere, leading some to question the
12 benefits of democracy itself as a path for improving
13 the lives of individuals in the hemisphere.

14 (5) For democracy to continue in many of these
15 countries, for human rights to improve, and for re-
16 gional economic integration to be successful, the rule
17 of law, independent democratic institutions, and
18 transparent accountable governance must be
19 strengthened.

20 (6) As a strong supporter of democracy and
21 human rights and as an advocate of regional eco-
22 nomic integration, it is in the interests of the United
23 States to enhance its efforts to promote a deepening
24 of democracy in the Western Hemisphere, particu-
25 larly through strengthening the rule of law, inde-

1 pendent democratic institutions, and transparent ac-
2 countable governance.

3 (b) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary, in consultation
5 with the heads of other Federal departments and agencies
6 as necessary, shall prepare and submit to the appropriate
7 congressional committees a report on the state of democ-
8 racy in each country in the Western Hemisphere (other
9 than the United States and Canada). For each such coun-
10 try, the report shall provide the following:

11 (1) A description of its system of government,
12 including schedule of elections, manner of judicial
13 appointments, and responsibilities of each branch of
14 government.

15 (2) An assessment of—

16 (A) the state of the rule of law;

17 (B) the power and independence of each
18 branch of government and institutions;

19 (C) the transparency and accountability in
20 governance; and

21 (D) the effect on human rights, particu-
22 larly civil and political rights, caused by the
23 presence (or lack thereof) of any of the factors
24 in subparagraphs (A) through (C); and

1 (E) the effect on economic development
2 caused by the presence (or lack thereof) of any
3 of the factors in subparagraphs (A) through
4 (C).

5 (3) A description of efforts to strengthen the
6 rule of law, independent institutions, or transparent
7 governance in the country, whether through local ef-
8 forts or through efforts funded or implemented by
9 the United States, the Organization of American
10 States (OAS), or others.

11 **SEC. 711. REPORT CONCERNING INTERNAL AND INTRA-RE-**
12 **GIONAL CONFLICTS IN THE GREAT LAKES**
13 **REGION OF AFRICA.**

14 (a) FINDINGS.—The Congress makes the following
15 findings:

16 (1) The Great Lakes region of Central Africa
17 has a history of colonial based ethnic divisions, polit-
18 ical violence, and civil wars which have perpetuated
19 conditions conducive to chronic poverty and turmoil
20 over the past decade. The countries of the Great
21 Lakes region are heavily embroiled in the conflicts
22 within their neighbors borders. At different times,
23 the war in the Democratic Republic of Congo (DRC)
24 has involved more outside countries than any other
25 contemporary war in Africa's history, (including An-

1 gola, Rwanda, Uganda, Zimbabwe, Burundi, Sudan,
2 Chad, Namibia, and Central African Republic).

3 (2) The region is hallmarked by genocide, the
4 recruitment of child soldiers, war crimes, systematic
5 rape of women and violence directed against chil-
6 dren, corruption, and the illegal exploitation of nat-
7 ural resources on a global scale. Civil wars, conflicts
8 over natural resources, and structural violence in the
9 Great Lakes have resulted in—

10 (A) the death of approximately three mil-
11 lion people through direct and indirect causes of
12 the war in the DRC since 1998;

13 (B) the deaths of at least 800,000 people
14 during the 1994 genocide in Rwanda;

15 (C) the deaths of an estimated 300,000
16 people through direct and indirect causes of the
17 war in Burundi since 1993;

18 (D) the deaths of thousands in Uganda;

19 (E) the forced abduction, sexual servitude,
20 and armed recruitment of thousands of chil-
21 dren;

22 (F) the displacement of millions of Ugan-
23 dan, Burundian, Congolese, Rwandan, and Su-
24 danese refugees;

1 (G) the death and abduction of humani-
2 tarian aid workers throughout the region; and

3 (H) grave disruptions in the delivery of
4 emergency assistance and food aid to millions of
5 civilians in northern Uganda, eastern Congo,
6 and Burundi dependent on such assistance for
7 survival.

8 (b) SENSE OF CONGRESS.—It is the sense of the
9 Congress that the United States should—

10 (1) exhaust all diplomatic means and utilize all
11 foreign policy instruments to help peacefully resolve
12 conflicts in the Great Lakes region by supporting
13 both national and regional political, economic, and
14 social initiatives conducive to fostering African-led
15 peace, reconstruction, and political and economic in-
16 stitutional and structural transformation processes
17 in Uganda, Rwanda, Burundi, and the Democratic
18 Republic of Congo;

19 (2) urge all rebel forces to stop the abduction
20 of children, urge all armed forces to stop the use of
21 child soldiers, and seek the release of all forcibly-
22 held children;

23 (3) make available technical assistance re-
24 sources to seek, track, and stop funding for all
25 armed extremist paramilitary and militarist rebel or-

1 organizations from all sources and condemn all govern-
2 ments and organizations who do assist such groups;

3 (4) monitor and support negotiations conducted
4 by third-party institutions for an immediate end of
5 armed actions between: The LRA and the Ugandan
6 Government; the RCD factions and MLC and the
7 government of Democratic Republic of the Congo
8 under the terms of the Lusaka Accords; the FDD
9 and the Burundian Government under the terms of
10 the Arusha Accords;

11 (5) explore the possibility of facilitating the cre-
12 ation of mechanisms for an international monitoring
13 team to enforce cease-fires as the first step in the
14 process toward a permanent peace in the region;

15 (6) continue supporting the Sudan Peace Proc-
16 ess, the Danforth Initiative, the Lusaka Accords,
17 and the Arusha Accords which includes peace talks,
18 donor coordination, regional support, civilian protec-
19 tion and monitoring, and cease-fire verification;

20 (7) make available sufficient resources to meet
21 the immediate relief needs of the towns and cities in
22 the Great Lakes region supporting large displaced
23 populations, including food, clean water, medicine,
24 shelter, and clothing;

1 (8) make available increased resources for as-
2 sistance to released and returned abducted children
3 and child soldiers in the Great Lakes Region and en-
4 sure that amnesty is provided when appropriate;

5 (9) work with other donors and the Govern-
6 ments of Uganda, Burundi, Rwanda, and the Demo-
7 cratic Republic of Congo to increase resources and
8 technical support to both regional and national com-
9 batant demobilization entities such as the Uganda
10 Amnesty Commission in Uganda and equivalent en-
11 tities in Burundi, Rwanda, and the Democratic Re-
12 public of Congo for the increased demobilization of
13 rebel combatants;

14 (10) examine ways in which development assist-
15 ance (DA) can help those living in protective villages
16 in northern Uganda, eastern Congo, and other de-
17 militarized areas in Rwanda and Burundi to return
18 to and cultivate farmland;

19 (11) condition military assistance to any nation
20 which acts to destabilize the DRC by violating inter-
21 national agreements regarding sustained troop with-
22 drawals and respect for the territorial integrity of
23 the DRC; and

24 (12) direct the Secretary of State to appoint a
25 special envoy to the Great Lakes region to oversee

1 cross-cutting security and economic policies in the
2 region.

3 (c) REPORTS TO CONGRESS.—Not later than 180
4 days after the date of the enactment of this Act, and not
5 later than April 1 of each subsequent year, the Secretary
6 should submit to the appropriate congressional committees
7 a report on the comprehensive actions taken by the United
8 States in promoting peaceful and immediate solutions to
9 the internal and intra-regional conflicts in the Great
10 Lakes region, including taking steps to bring an end to
11 the illegal exploitation and international trade of natural
12 resources from the Democratic Republic of Congo; sup-
13 porting bilateral and multilateral peace keeping initiatives;
14 the promotion of regional economic integration; the pro-
15 motion of broad based democratic political processes based
16 on the rule of law; the promotion of women and other pre-
17 viously disadvantaged communities as equal political and
18 economic stakeholders in societies; and humanitarian as-
19 sistance efforts in the region, including efforts to advance
20 each area addressed in subsection (a).

21 **SEC. 712. REPORT CONCERNING OBSERVER STATUS FOR**
22 **TAIWAN AT THE SUMMIT OF THE WORLD**
23 **HEALTH ASSEMBLY.**

24 Not later than 30 days after the date of the enact-
25 ment of this Act, and not later than April 1 of each year

1 thereafter, the Secretary of State shall submit a report
2 to the Congress, in unclassified form, describing the
3 United States plan to endorse and obtain observer status
4 for Taiwan at the annual week-long summit of the World
5 Health Assembly (WHA) held by the World Health Orga-
6 nization (WHO) in May of each year in Geneva, Switzer-
7 land. Each report shall include the following:

8 (1) An account of the efforts the Department of
9 State has made, following the previous year’s meet-
10 ing of the World Health Assembly to encourage WHO
11 member states to promote Taiwan’s bid to obtain
12 observer status.

13 (2) The steps the Department of State will take
14 to endorse and obtain observer status at the forth-
15 coming annual meeting of the World Health Assem-
16 bly in Geneva, Switzerland.

17 **Subtitle B—Other Matters**

18 **SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR,**

19 **JUSTICE, AND REHABILITATION.**

20 The Congress—

21 (1) recalls that the United Nations Inter-
22 national Commission of Inquiry concluded in Janu-
23 ary 2000 that “the Indonesian Army was responsible
24 for the intimidation, terror, killings and other acts

1 of violence” during East Timor’s vote for independ-
2 ence in 1999;

3 (2) reiterates that justice for crimes against hu-
4 manity and war crimes committed in East Timor
5 during the vote for independence in 1999 is crucial
6 for peace, reconciliation, and the ongoing nation-
7 building process in East Timor and Indonesia;

8 (3) finds that the ad hoc Human Rights Court
9 on East Timor established by the Indonesian Gov-
10 ernment in 2001 has inadequately brought to justice
11 the perpetrators of these crimes as eleven of four-
12 teen defendants have been acquitted as a result of
13 poor indictments and the absence of an adequate
14 witness protection program, and four of the five sen-
15 tences imposed have been less than the minimum al-
16 lowed under the Indonesian Human Rights Law;

17 (4) supports the work of the Joint United Na-
18 tions-East Timor Serious Crimes Unit (SCU), which
19 filed indictments against high-ranking Indonesian
20 officers who were allegedly involved in the crimes,
21 including Gen. Wiranto, Maj. Gen. Kiki Syahnakri,
22 Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam
23 Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat
24 Sudrajat and former Governor Abilio Soares, and ex-
25 presses its strong disappointment that the Indo-

1 nesian Government has stated its intention to ignore
2 the indictments;

3 (5) calls on the State Department and the
4 United States Mission to the United Nations to push
5 for a comprehensive United Nations review of the
6 Indonesian ad hoc Human Rights Court on East
7 Timor, including a review of the conduct of trials,
8 the indictment strategy by the prosecutors and its
9 adherence to the international standards, and urges
10 the State Department to consider alternative mecha-
11 nisms of justice for East Timor, including the estab-
12 lishment of an ad hoc international tribunal; and

13 (6) urges the Indonesian Government to fully
14 cooperate with the joint United Nations-East Timor
15 Serious Crimes Unit (SCU) and encourages the
16 United States to urge the Indonesian Government to
17 fully cooperate with the SCU.

18 **SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN**

19 **RIGHTS AND JUSTICE IN INDONESIA.**

20 The Congress—

21 (1) notes with grave concern that members of
22 the Indonesian security forces, particularly the Army
23 Special Forces (Kopassus) and the Police Mobile
24 Brigade (Brimob), continue to commit many serious
25 human rights violations, including extrajudicial

1 killings, torture, rape, and arbitrary detention, par-
2 ticularly in areas of conflict such as Aceh, Papua,
3 the Moluccas, and Central Sulawesi;

4 (2) notes with grave concern that the Govern-
5 ment of Indonesia largely fails to hold soldiers and
6 police accountable for extrajudicial killings and other
7 serious human rights abuses, both past and present;

8 (3) condemns the intimidation and harassment
9 of human rights and civil society organizations and
10 activists by members of Indonesian security forces
11 and by military-backed militia groups, particularly in
12 Aceh and Papua;

13 (4) notes with concern the Indonesian military's
14 resistance to civilian control and oversight, its lack
15 of budgetary transparency, and its continuing em-
16 phasis on internal security within Indonesia;

17 (5) urges the Indonesian government and mili-
18 tary to provide full, active, and unfettered coopera-
19 tion with the investigation of the Federal Bureau of
20 Investigation of the United States Department of
21 Justice into the August 31, 2002 attack near
22 Timika, Papua, which killed three people (including
23 two Americans, Rick Spier and Ted Burgon), and
24 injured 12 others, and which appears likely to have

1 been perpetrated at least in part by members of the
2 Indonesian military;

3 (6) commends the December 2002 signing of
4 the Framework Agreement on Cessation of Hos-
5 tilities in Aceh, but condemns the recent outbreaks
6 of violence and militia activity that appear calculated
7 to subvert that cease-fire agreement;

8 (7) notes with grave concern the continued de-
9 tention of Muhammad Nazar, and the fact that
10 those responsible for the murders of other prominent
11 members of civil society in Aceh, such as Jafar
12 Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku
13 Safwan Idris, Nashiruddin Daud, and Zaini
14 Sulaiman, still have not been apprehended, pros-
15 ecuted, or punished;

16 (8) commends the “Zone of Peace” initiative in
17 Papua, which has brought together civic, religious,
18 governmental, and police representatives to discuss
19 productive means of avoiding conflict, but expresses
20 concern at the refusal of the Indonesian military to
21 participate in that effort; and

22 (9) encourages the Government of Indonesia to
23 expedite the reunification of separated East Timor-
24 ese children with their families, and to hold legally
25 accountable those individuals and organizations re-

1 sponsible for taking those children and for obstruct-
2 ing reunification efforts.

3 **SEC. 723. AMENDMENT TO THE INTERNATIONAL RELI-**
4 **GIUS FREEDOM ACT OF 1998.**

5 Section 207(a) of the International Religious Free-
6 dom Act of 1998 (22 U.S.C. 6435(a)) is amended by in-
7 serting “and for each subsequent fiscal year” after
8 “2003”.

9 **SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN**
10 **RIGHTS IN CENTRAL ASIA.**

11 (a) FINDINGS.—The Congress makes the following
12 findings:

13 (1) The Central Asian nations of Kazakhstan,
14 Kyrgyzstan, Tajikistan, Turkmenistan, and
15 Uzbekistan are providing the United States with as-
16 sistance in the war in Afghanistan, from military
17 basing and overflight rights to the facilitation of hu-
18 manitarian relief.

19 (2) In turn, the United States victory over the
20 Taliban in Afghanistan provides important benefits
21 to the Central Asian nations by removing a regime
22 that threatened their security and by significantly
23 weakening the Islamic Movement of Uzbekistan, a
24 terrorist organization that had previously staged
25 armed raids from Afghanistan into the region.

1 (3) The United States has consistently urged
2 the nations of Central Asia to open their political
3 systems and economies and to respect human rights,
4 both before and since the attacks of September 11,
5 2001.

6 (4) Kazakhstan, Kyrgyzstan, Tajikistan,
7 Turkmenistan, and Uzbekistan are members of the
8 United Nations and the Organization for Security
9 and Cooperation in Europe (OSCE), both of which
10 confer a range of obligations with respect to human
11 rights on their members.

12 (5) While the United States recognizes marked
13 differences among the social structures and commit-
14 ments to democratic and economic reform of the
15 Central Asian nations, the United States notes nev-
16 ertheless, according to the State Department Coun-
17 try Reports on Human Rights Practices, that all five
18 governments of such nations, to differing degrees,
19 restrict freedom of speech and association, restrict
20 or ban the activities of human rights organizations
21 and other nongovernmental organizations, harass or
22 prohibit independent media, imprison political oppo-
23 nents, practice arbitrary detention and arrest, and
24 engage in torture and extrajudicial executions.

1 (6) By continuing to suppress human rights
2 and to deny citizens peaceful, democratic means of
3 expressing their convictions, the nations of Central
4 Asia risk fueling popular support for violent and ex-
5 tremist movements, thus undermining the goals of
6 the war on terrorism.

7 (7) President George W. Bush has made the
8 defense of human dignity, the rule of law, limits on
9 the power of the state, respect for women and pri-
10 vate property, free speech, equal justice, religious
11 tolerance strategic goals of United States foreign
12 policy in the Islamic world, arguing that “a truly
13 strong nation will permit legal avenues of dissent for
14 all groups that pursue their aspirations without vio-
15 lence”.

16 (8) Congress has expressed its desire to see
17 deeper reform in Central Asia in past resolutions
18 and other legislation, most recently conditioning as-
19 sistance to Uzbekistan and Kazakhstan on their
20 progress in meeting commitments to the United
21 States on human rights and democracy.

22 (b) SENSE OF CONGRESS.—It is the sense of the
23 Congress that—

24 (1) the governments of Kazakhstan,
25 Kyrgyzstan, Tajikistan, Turkmenistan, and

1 Uzbekistan should accelerate democratic reforms
2 and fulfill their human rights obligations, including,
3 where appropriate, by—

4 (A) releasing from prison anyone jailed for
5 peaceful political activism or the nonviolent ex-
6 pression of their political or religious beliefs;

7 (B) fully investigating any credible allega-
8 tions of torture and prosecuting those respon-
9 sible;

10 (C) permitting the free and unfettered
11 functioning of independent media outlets, inde-
12 pendent political parties, and nongovernmental
13 organizations, including by easing registration
14 processes;

15 (D) permitting the free exercise of reli-
16 gious beliefs and ceasing the persecution of
17 members of religious groups and denominations
18 that do not engage in violence or political
19 change through violence;

20 (E) holding free, competitive, and fair elec-
21 tions; and

22 (F) making publicly available documenta-
23 tion of their revenues and punishing those en-
24 gaged in official corruption;

1 (2) the President, the Secretary of State, and
2 the Secretary of Defense should—

3 (A) continue to raise at the highest levels
4 with the governments of the nations of Central
5 Asia specific cases of political and religious per-
6 secution, and to urge greater respect for human
7 rights and democratic freedoms at every diplo-
8 matic opportunity;

9 (B) take progress in meeting the goals
10 specified in paragraph (1) into account when
11 determining the scope and nature of United
12 States diplomatic and military relations and as-
13 sistance with each of such governments;

14 (C) ensure that the provisions of foreign
15 operations appropriations Acts are fully imple-
16 mented to ensure that no United States assist-
17 ance benefits security forces in Central Asia
18 that are implicated in violations of human
19 rights;

20 (D) press the Government of
21 Turkmenistan to implement the helpful rec-
22 ommendations contained in the 2003 resolution
23 on Turkmenistan of the United Nations Com-
24 mission on Human Rights and the so-called
25 “Moscow Mechanism” Report of the Organiza-

1 tion for Security and Cooperation in Europe
2 (OSCE), respect the right of all prisoners to
3 due process and a fair trial and release demo-
4 cratic activists and their family members from
5 prison;

6 (E) urge the Government of Russia not to
7 extradite to Turkmenistan members of the po-
8 litical opposition of Turkmenistan;

9 (F) work with the Government of
10 Kazakhstan to create a political climate free of
11 intimidation and harassment, including releas-
12 ing political prisoners and permitting the return
13 of political exiles, and to reduce official corrup-
14 tion, including by urging the Government of
15 Kazakhstan to cooperate with the ongoing
16 United States Department of Justice investiga-
17 tion;

18 (G) support through United States assist-
19 ance programs individuals, nongovernmental or-
20 ganizations, and media outlets in Central Asia
21 working to build more open societies, to support
22 the victims of human rights abuses, and to ex-
23 pose official corruption; and

24 (H) press the Government of Uzbekistan
25 to implement fully the recommendations made

1 to the Government of Uzbekistan by the United
2 Nations' Special Rapporteur on Torture; and

3 (3) increased levels of United States assistance
4 to the governments of the nations of Central Asia
5 made possible by their cooperation in the war in Af-
6 ghanistan can be sustained only if there is substan-
7 tial and continuing progress toward meeting the
8 goals specified in paragraph (1).

9 **SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF**
10 **APPROPRIATIONS FOR FISCAL YEAR 2003**
11 **FOR CENTER FOR CULTURAL AND TECH-**
12 **NICAL INTERCHANGE BETWEEN EAST AND**
13 **WEST.**

14 Section 112(3) of the Foreign Relations Authoriza-
15 tion Act, Fiscal Year 2003 (116 Stat. 1358; Public Law
16 107–228) is amended by striking “\$15,000,000” and in-
17 serting “\$18,000,000”.

18 **SEC. 726. UNDER SECRETARY OF COMMERCE FOR INDUS-**
19 **TRY AND SECURITY.**

20 (a) UNDER SECRETARY.—There shall be in the De-
21 partment of Commerce an Under Secretary of Commerce
22 for Industry and Security who shall serve as the head of
23 the Bureau of Industry and Security and perform such
24 duties as the Secretary of Commerce shall prescribe. The
25 Under Secretary of Commerce for Industry and Security

1 shall be appointed by the President by and with the advice
2 and consent of the Senate.

3 (b) INCUMBENT.—The individual serving on the date
4 of the enactment of this Act as the Under Secretary of
5 Commerce for Export Administration shall serve as the
6 Under Secretary of Commerce for Industry and Security
7 until such time as a successor is appointed under sub-
8 section (a).

9 (c) COMPENSATION.—Section 5314 of title 5, United
10 States Code, is amended by striking “Under Secretary of
11 Commerce for Export Administration” and inserting
12 “Under Secretary of Commerce for Industry and Secu-
13 rity”.

14 (d) CONFORMING AMENDMENTS.—Section 15(a) of
15 the Export Administration Act of 1979 (50 U.S.C. App.
16 2414(a)) is amended—

17 (1) by striking the first sentence; and

18 (2) in the second sentence, by striking “in car-
19 rying out such functions” and inserting “of Com-
20 merce for Industry and Security in carrying out the
21 functions of the Under Secretary”.

22 **SEC. 727. CONCERNING THE SPREAD OF WEAPONS OF MASS**
23 **DESTRUCTION.**

24 (a) FINDINGS.—The Congress makes the following
25 findings:

1 (1) The proliferation of weapons of mass de-
2 struction presents a direct threat to the stability, se-
3 curity, and safety of nations around the globe.

4 (2) Combatting the spread of such weapons is
5 a responsibility borne by all nations.

6 (3) United States efforts to stop the further
7 spread of these weapons can be further enhanced by
8 cooperative efforts between the United States and
9 the European Union.

10 (4) There are many different components in
11 this effort that require a comprehensive approach,
12 immediate attention, and vigorous action, including
13 the “10+10 over 10 Initiative” agreed to by the
14 United States and many members of the European
15 Union.

16 (5) Stopping the spread of weapons of mass de-
17 struction is made more difficult when states willingly
18 participate in, or contribute to, their development or
19 their sale or transfer to other nations.

20 (6) Stopping the spread of weapons of mass de-
21 struction is made more difficult when private compa-
22 nies willingly participate in, or contribute to, their
23 development or their sale or transfer to other na-
24 tions.

1 (7) United States security and safety is under-
2 mined when companies engage in such commerce.

3 (b) SENSE OF CONGRESS.—The Congress call on the
4 European Union to—

5 (1) develop an aggressive and robust regulatory
6 system designed to—

7 (A) investigate allegations of companies
8 contributing to the development of weapons of
9 mass destruction or their sale or transfer to
10 other nations;

11 (B) isolate and condemn companies found
12 to participate in, or contribute to, the develop-
13 ment of such weapons or their sale or transfer
14 to other nations; and

15 (C) develop a punitive response designed to
16 punish such companies, thereby preventing fur-
17 ther actions on their part and discouraging
18 other companies from engaging in such actions;

19 (2) condemn, by name, states known to be con-
20 tributing to the development or spread of weapons of
21 mass destruction; and

22 (3) develop appropriate punitive measures de-
23 signed to discourage further actions.

1 **SEC. 728. INTERNATIONAL AGRICULTURAL BIO-**
2 **TECHNOLOGY INFORMATION PROGRAM.**

3 (a) **IN GENERAL.**—The Department of State shall
4 provide to other countries, as appropriate, the scientific
5 evidence on the benefits, safety, and potential uses of agri-
6 cultural biotechnology.

7 (b) **SPECIFIC OBJECTIVES.**—The Secretary of State
8 shall—

9 (1) chair an interagency task force comprised of
10 representatives of the Department of Commerce, the
11 Department of Agriculture, and the United States
12 Agency for International Development to develop
13 and disseminate accurate written scientific informa-
14 tion on the potential benefits of agricultural bio-
15 technology for human and animal nutrition, the en-
16 vironment, food and feed production, agricultural
17 sustainability, and bioenergy development;

18 (2) coordinate the development and dissemina-
19 tion of scientifically-based facts regarding, the safety
20 and regulation of biotechnology-derived food and
21 feed products;

22 (3) instruct the United States Agency for Inter-
23 national Development (USAID) to develop a pro-
24 gram to demonstrate the potential benefits of agri-
25 cultural biotechnology to develop products that can
26 be grown under local soil and climate conditions and

1 better meet the health and nutritional needs of local
2 populations in the developing world; and

3 (4) ensure that personnel undertaking these ac-
4 tivities are knowledgeable of, and disseminate infor-
5 mation on, the United States regulatory safeguards
6 that assure food and environmental safety.

7 **SEC. 729. REFUGEE RESETTLEMENT BURDENSARING.**

8 It is the sense of the Congress that—

9 (1) the Secretary of State should actively en-
10 courage the international community to accept refu-
11 gees for resettlement on a more equitable basis;

12 (2) the Secretary of State should raise the issue
13 of refugee resettlement burdensharing at the United
14 Nations and other multilateral and bilateral meet-
15 ings;

16 (3) developed countries should be encouraged to
17 increase the percentage of the world's refugees ac-
18 cepted for resettlement; and

19 (4) the Secretary of State should encourage de-
20 veloping stable countries in regions with refugee
21 flows to accept for resettlement as many of their
22 neighbors as possible.

1 **SEC. 730. SENSE OF CONGRESS REGARDING MIGRATION**
2 **ISSUES BETWEEN THE UNITED STATES AND**
3 **MEXICO.**

4 (a) FINDINGS.—The Congress finds as follows:

5 (1) During President Bush’s first meeting with
6 President Fox in Guanajuato, Mexico, the Presi-
7 dents stated in the Joint Communiqué of February
8 16, 2001 that “we are instructing our Governments
9 to engage, at the earliest opportunity, in formal high
10 level negotiations aimed at achieving short and long-
11 term agreements that will allow us to constructively
12 address migration and labor issues between our two
13 countries.”.

14 (2) During President Fox’s official visit to
15 Washington, D.C., the Joint Statement of Sep-
16 tember 6, 2001, summarized the meeting as follows:
17 “The Presidents reviewed the progress made by our
18 joint working group on migration chaired by Secre-
19 taries Powell, CastaZeda, and Creel and Attorney
20 General Ashcroft and noted this represented the
21 most fruitful and frank dialogue we have ever had
22 on a subject so important to both nations. They
23 praised implementation of the border safety initia-
24 tive, and recognized that migration-related issues are
25 deeply felt by our publics and vital to our prosperity,
26 well-being, and the kind of societies we want to

1 build. They renewed their commitment to forging
2 new and realistic approaches to migration to ensure
3 it is safe, orderly, legal and dignified, and agreed on
4 the framework within which this ongoing effort is
5 based. This includes: matching willing workers with
6 willing employers; serving the social and economic
7 needs of both countries; respecting the human dig-
8 nity of all migrants, regardless of their status; recog-
9 nizing the contribution migrants make to enriching
10 both societies; shared responsibility for ensuring mi-
11 gration takes place through safe and legal channels.
12 Both stressed their commitment to continue our dis-
13 cussions, instructing the high-level working group to
14 reach mutually satisfactory results on border safety,
15 a temporary worker program and the status of un-
16 documented Mexicans in the United States. They re-
17 quested that the working group provide them pro-
18 posals with respect to these issues as soon as pos-
19 sible. The Presidents recognized that this is an ex-
20 traordinarily challenging area of public policy, and
21 that it is critical to address the issue in a timely
22 manner and with appropriate thoroughness and
23 depth.”.

24 (3) On September 7, 2001, during President
25 Fox’s historic State Visit to Washington, the United

1 States and Mexico issued a joint statement instruct-
2 ing our cabinet-level working group to provide us
3 with specific proposals to forge a new and realistic
4 framework that will ensure a safe, legal, orderly, and
5 dignified migration flow between our countries. We
6 have today agreed that our Cabinet level migration
7 group should continue the work we charged it with
8 in Guanajuato and Washington.

9 (4) When the Presidents met in Monterrey,
10 Mexico, the Presidents stated in a Joint Statement
11 on March 22, 2002, as follows: “Slightly more than
12 one year ago, in Guanajuato, we talked about migra-
13 tion as one of the major ties that join our societies.
14 We launched then the frankest and most productive
15 dialogue our countries have ever had on this impor-
16 tant and challenging subject. Those talks have con-
17 tinued over the past year, and have yielded a clearer
18 assessment of the scope and nature of this issue.
19 This bond between our nations can render countless
20 benefits to our respective economies and families.

21 (5) Over the past year, important progress has
22 been made to enhance migrant safety and particu-
23 larly in saving lives by discouraging and reducing il-
24 legal crossings in dangerous terrain.

1 (6) At the conclusion of the Mexico-United
2 States Binational Commission (BNC) meeting in
3 Mexico City in November 2002, Secretary of State
4 Powell’s press conference was summarized by the
5 State Department as follows: The BNC’s migration
6 working group “affirmed our strong commitment to
7 advancing our bilateral migration agenda,” he
8 stressed, adding that “there should be no doubt in
9 anyone’s mind that this is a priority for President
10 Bush, just as it is a priority for [Mexican] President
11 [Vicente] Fox.”

12 (7) Secretary Powell said no schedule had been
13 established for a migration accord, but he confirmed
14 that the United States and Mexico want to come up
15 with a series of migration initiatives over the course
16 of the next six months to a year.

17 (b) SENSE OF CONGRESS.—It is the sense of the
18 Congress that—

19 (1) that the United States and Mexico should
20 as soon as is practicable conclude negotiations in an
21 attempt to reach a migration accord that is as com-
22 prehensive as possible and which addresses the key
23 issues of concern for both nations; and

24 (2) that as part of any migration agreement be-
25 tween the United States and Mexico, the issues of

1 the extradition of violent criminals and law enforce-
2 ment cooperation between the two nations be ad-
3 dressed.

4 **SEC. 731. SENSE OF CONGRESS CONCERNING UNITED**
5 **STATES ASSISTANCE TO PALESTINIAN REFU-**
6 **GEES.**

7 The Congress—

8 (1) recognizes the importance of United States
9 humanitarian assistance to Palestinian refugees as
10 an essential component to the peace process in the
11 Middle East;

12 (2) acknowledges the hardships endured by
13 many innocent Palestinian refugees in the West
14 Bank and Gaza Strip and in other neighboring coun-
15 tries;

16 (3) notes that the United Nations High Com-
17 mission for Refugees (UNHCR) is the international
18 body that seeks to find “lasting solutions” to the
19 plight of refugees throughout the world, with the
20 sole exception of the Palestinians, for whose exclu-
21 sive benefit a special agency, the United Nations Re-
22 lief and Works Agency (UNRWA), was established
23 in 1950 and which makes no effort to permanently
24 resettle Palestinian refugees, even those who reside
25 under the jurisdiction of the Palestinian Authority,

1 in order to ensure the perpetuation of the problem
2 of Palestinian refugees;

3 (4) recognizes that the United States has been
4 the world's leading donor to UNRWA, having pro-
5 vided over \$2,500,000,000 to UNRWA since 1950,
6 including the provision of \$110,000,000, in fiscal
7 year 2002, and that such organization has provided
8 important humanitarian assistance to the Pales-
9 tinian people;

10 (5) notes that the United States contribution to
11 UNRWA is nearly 10 times that of the entire Arab
12 world, and calls on Arab states to assume a greater
13 share of the burden for financing UNWRA;

14 (6) expresses its outrage over credible reports
15 that UNRWA facilities have been used for terrorist
16 training and bases for terrorist operations, with little
17 attempt by the UNRWA to stop or oppose such at-
18 tacks or alert relevant law enforcement authorities
19 about such terrorist activities;

20 (7) expresses deep concern over the textbooks
21 and educational materials used in the UNRWA edu-
22 cational system that promote anti-Semitism, denial
23 of the existence and the right to exist of the state
24 of Israel, and exacerbate stereotypes and tensions
25 between the Palestinians and Israelis;

1 (8) strongly urges the Secretary General of the
2 United Nations to immediately take steps to com-
3 prehensively reform the UNRWA so that it actively
4 works to oppose terrorist attacks and actively works
5 to promote reconciliation and understanding between
6 the Israelis and Palestinians;

7 (9) strongly urges UNRWA to meet the re-
8 quirements, in letter and spirit, of section 301(c) of
9 the Foreign Assistance Act of 1961, including by
10 comprehensively ensuring that no UNRWA assist-
11 ance is rendered to anyone who has been involved
12 with terrorism at any time and that all UNRWA
13 beneficiaries be informed at the earliest possible
14 time, and at regular intervals thereafter, that any-
15 one involved with terrorism thereafter will be ineli-
16 gible for UNRWA benefits;

17 (10) strongly urges the Secretary of State to
18 make UNRWA reforms a priority at the United Na-
19 tions by actively campaigning within the United Na-
20 tions to support such reforms, including comprehen-
21 sive and independently verifiable audits of UNRWA
22 activities and educational reform that would remove
23 from the curriculum all textbooks and educational
24 materials that promote hatred of Jews and Israel
25 and denial of Israel's right to exist and replace them

1 with teaching materials that promote Israeli-Pales-
2 tinian reconciliation and mutual understanding; and
3 (11) notes the General Accounting Office
4 (GAO) audit required by section 580 of the FY
5 2003 Foreign Operations Appropriations Act (Public
6 Law 108–7), and strongly encourages the GAO to
7 conduct, as part of this audit, an investigation and
8 inspection of all recent United States assistance to
9 UNRWA to ensure that taxpayer funds are being
10 spent effectively and are not directly or indirectly
11 supporting terrorism, anti-Semitic or anti-Jewish
12 teachings, or the glorification or incitement of vio-
13 lence.

14 **SEC. 732. UNITED STATES POLICY ON WORLD BANK GROUP**
15 **LOANS TO IRAN.**

16 (a) UNITED STATES POLICY.—The Secretary of
17 State (or a designee), in consultation with the Secretary
18 of the Treasury, shall communicate directly with the gov-
19 ernments of countries represented on the decision-making
20 boards and councils of the international financial institu-
21 tions of the World Bank Group and consistently convey
22 the strong opposition of the United States Government to
23 any further activity in Iran by the international financial
24 institutions of the World Bank Group.

1 (b) REPORTS.—Not later than 90 days after the date
2 of the enactment of this Act and one year thereafter, the
3 Secretary of State shall submit a report on the efforts of
4 the Secretary to carry out subsection (a) to the chairman
5 and ranking minority member of the Committee on Inter-
6 national Relations of the House of Representatives and
7 the Committee on Foreign Relations of the Senate.

8 (c) WORLD BANK GROUP DEFINED.—As used in this
9 section, the term “World Bank Group” means the Inter-
10 national Bank for Reconstruction and Development, the
11 International Development Association, the International
12 Financial Corporation, and the Multilateral Investment
13 Guaranty Agency.

14 **SEC. 733. SENSE OF CONGRESS RELATING TO SOVIET NU-**
15 **CLEAR TESTS IN KAZAKHSTAN.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) In 1991, immediately after achieving inde-
18 pendence, Kazakhstan closed and sealed the world’s
19 second largest nuclear test site in Semipalatinsk
20 which had been inherited from the former Soviet
21 Union and at which more than 500 nuclear tests
22 had been conducted from 1949 to 1991.

23 (2) The cumulative power of explosions from
24 those tests, conducted above ground, on the ground,
25 and underground is believed to be equal to the power

1 of 20,000 explosions of the type of bomb dropped on
2 Hiroshima, Japan, in 1945.

3 (3) More than 1,500,000 people in Kazakhstan
4 suffered because of decades of Soviet nuclear weap-
5 ons testing in the region.

6 (4) A horrifying array of disease will continue
7 to destroy the lives of hundreds of thousands and
8 their descendants for many generations to come as
9 a result of these tests.

10 (5) Since its independence, Kazakhstan has
11 constructed a stable and peaceful state, voluntarily
12 disarmed the world's fourth largest nuclear arsenal,
13 joined the Strategic Arms Reduction Treaty
14 (START), and became an example of responsible
15 nonproliferation of such weapons.

16 (6) Kazakhstan is also doing its best to help
17 those who were exposed to the horrific nuclear ex-
18 periments of the 20th century but it faces daunting
19 challenges.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the Secretary of State should work to establish
22 a joint working group with the Government of Kazakhstan
23 to assist in assessing the environmental damage and
24 health effects caused by Soviet nuclear testing in
25 Semipalatinsk.

1 **SEC. 734. SENSE OF CONGRESS RELATING TO VIOLENCE**
2 **AGAINST WOMEN.**

3 The Congress—

4 (1) recalls that Article 4 of the United Nations
5 Declaration on the Elimination of Violence Against
6 Women (20 December 1993) outlines that states
7 should condemn violence against women and should
8 not invoke any custom, tradition, or religious consid-
9 eration to avoid their obligations with respect to its
10 elimination;

11 (2) recalls that Chapter 4, Section 125, of the
12 Beijing Declaration and Platform for Action, Fourth
13 World Conference on Women (15 September 1995)
14 states that governments condemn violence against
15 women and refrain from invoking any custom, tradi-
16 tion, or religious consideration to avoid their obliga-
17 tions with respect to its elimination as set out in the
18 Declaration on the Elimination of Violence against
19 Women;

20 (3) recalls that the United States has supported
21 both the United Nations Declaration on the Elimini-
22 nation of Violence and the Beijing Declaration and
23 Platform for Action; and

24 (4) reinforces the position of the United States
25 that the United States condemns violence against
26 women and refrains from invoking any custom, tra-

1 dition, or religious consideration to avoid this na-
2 tion's obligations with respect to its elimination as
3 set out in the Declaration on the Elimination of Vio-
4 lence against Women.

5 **SEC. 735. SENSE OF CONGRESS CONCERNING THE TIMELY**
6 **ISSUANCE OF VISAS FOR RUSSIAN WEAPONS**
7 **SCIENTISTS INVOLVED IN ARMS CONTROL**
8 **AND NONPROLIFERATION EXCHANGES WITH**
9 **THE UNITED STATES.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The United States visa approval system has
13 in the past lacked proper oversight, coordination,
14 and supervision. A more systematic, stringent, and
15 rigorous evaluation system for visa approvals is
16 clearly in the best interests of the United States.

17 (2) Many distinguished scholars, professors, re-
18 searchers, and foreign associates of United States
19 national academies have been prevented by visa
20 delays from entering the United States for engage-
21 ments at major conferences, meetings, and teaching
22 invitations at American universities.

23 (3) Research collaborators for United States
24 laboratories have also been prevented from entering
25 the United States. Their absence halts projects and

1 compromises United States commitments in long-
2 standing international cooperative agreements aimed
3 at reducing stockpiles of weapons of mass destruc-
4 tion.

5 (4) Visa restrictions came within one day of
6 forcing the cancellation of an important meeting in
7 Washington, D.C. of the National Academy of
8 Sciences Committee on United States Russian Co-
9 operation on Nuclear Non-Proliferation.

10 (5) Russian weapons scientists involved in nu-
11 clear non-proliferation cooperative efforts with the
12 United States are critical to American efforts to en-
13 sure that nuclear weapons-grade materials remain
14 under control and out of the hands of terrorists.

15 (6) In a December 2002 statement, the Presi-
16 dents of the National Academy of Sciences, the Na-
17 tional Academy of Engineering, and the Institute of
18 Medicine found that a United States approach to
19 visas that welcomes qualified foreign scientists, engi-
20 neers, health professionals, and students serves na-
21 tional goals in three distinct ways:

22 (A) It harnesses international cooperation
23 for counterterrorism.

24 (B) It builds stronger allies through sci-
25 entific and technical cooperation.

1 (C) It maintains United States global lead-
2 ership in science and technology.

3 (7) The Presidents of the National Academy of
4 Sciences, the National Academy of Engineering, and
5 the Institute of Medicine have found that current
6 United States policy toward granting visas, to for-
7 eign scientists is harmful to the United States sci-
8 entific community and to the longterm well-being of
9 the United States. They stated on December 13,
10 2002, that “To make our nation safer, it is ex-
11 tremely important that our visa policy not only keep
12 out foreigners who intend to do us harm, but also
13 facilitate the acceptance of those who bring us con-
14 siderable benefit. Recent efforts by our government
15 to constrain the flow of international visitors in the
16 name of national security are having serious unin-
17 tended consequences for American science, engineer-
18 ing, and medicine. The long-term security of the
19 United States depends on admitting scholars who
20 benefit our nation. In short, the United States sci-
21 entific, engineering, and health communities cannot
22 hope to maintain their present position of inter-
23 national leadership if they become isolated from the
24 rest of the world. We view this as an urgent matter,
25 one that must be promptly addressed if the United

1 States is to meet both its national security and eco-
2 nomic development goals.”.

3 (8) Currently, consular officials send many visa
4 applications back to the United States for sequential
5 security clearances by several agencies, which may
6 lead to long delays in visa processing. Consular offi-
7 cers are subject to criminal penalties if they grant
8 a visa to a person who subsequently commits a ter-
9 rorist act in the United States. However, there are
10 currently no incentives for consular officers to facili-
11 tate scientific exchanges, which may advance the na-
12 tional interest of the United States.

13 (b) SENSE OF CONGRESS.—It is the sense of the
14 Congress that—

15 (1) to the extent possible and consistent with
16 national security objectives, the United States
17 should expedite the processing of granting visas to
18 Russian weapons scientists, especially those partici-
19 pating in bilateral weapon disarmament talks, nego-
20 tiations, and exchanges, to enable them to partici-
21 pate in cooperative nonproliferation activities with
22 their counterparts in the United States, and

23 (2) the Department of State is encouraged to
24 consider streamlining the process of granting visas
25 for such scientists as follows:

1 (A) Reinstate a procedure of pre-security
2 clearance for scientists and engineers with the
3 proper credentials.

4 (B) Involve the United States scientific
5 and technical community in determining areas
6 of particular security concern.

7 **SEC. 736. DESIGNATION OF FOREIGN TERRORIST ORGANI-**
8 **ZATIONS.**

9 (a) PERIOD OF DESIGNATION.—Section 219(a)(4) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1189(a)(4)) is amended—

12 (1) in subparagraph (A)—

13 (A) by striking “Subject to paragraphs (5)
14 and (6), a” and inserting “A”; and

15 (B) by striking “for a period of 2 years be-
16 ginning on the effective date of the designation
17 under paragraph (2)(B)” and inserting “until
18 revoked under paragraph (5) or (6) or set aside
19 pursuant to subsection (c)”;

20 (2) by striking subparagraph (B) and inserting
21 the following:

22 “(B) REVIEW OF DESIGNATION UPON PE-
23 TITION.—

24 “(i) IN GENERAL.—The Secretary
25 shall review the designation of a foreign

1 terrorist organization under the procedures
2 set forth in clauses (iii) and (iv) if the des-
3 ignated organization files a petition for
4 revocation within the petition period de-
5 scribed in clause (ii).

6 “(ii) PETITION PERIOD.—For pur-
7 poses of clause (i)—

8 “(I) if the designated organiza-
9 tion has not previously filed a petition
10 for revocation under this subpara-
11 graph, the petition period begins 2
12 years after the date on which the des-
13 ignation was made; or

14 “(II) if the designated organiza-
15 tion has previously filed a petition for
16 revocation under this subparagraph,
17 the petition period begins 2 years
18 after the date of the determination
19 made under clause (iv) on that peti-
20 tion.

21 “(iii) PROCEDURES.—Any foreign ter-
22 rorist organization that submits a petition
23 for revocation under this subparagraph
24 must provide evidence in that petition that
25 the relevant circumstances described in

1 paragraph (1) have changed in such a
2 manner as to warrant revocation with re-
3 spect to the organization.

4 “(iv) DETERMINATION.—

5 “(I) IN GENERAL.—Not later
6 than 180 days after receiving a peti-
7 tion for revocation submitted under
8 this subparagraph, the Secretary shall
9 make a determination as to such rev-
10 ocation.

11 “(II) CLASSIFIED INFORMA-
12 TION.—The Secretary may consider
13 classified information in making a de-
14 termination in response to a petition
15 for revocation. Classified information
16 shall not be subject to disclosure for
17 such time as it remains classified, ex-
18 cept that such information may be
19 disclosed to a court *ex parte* and in
20 camera for purposes of judicial review
21 under subsection (c).

22 “(III) PUBLICATION OF DETER-
23 MINATION.—A determination made by
24 the Secretary under this clause shall
25 be published in the Federal Register.

1 “(IV) PROCEDURES.—Any rev-
2 ocation by the Secretary shall be
3 made in accordance with paragraph
4 (6).”; and

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

6 “(C) OTHER REVIEW OF DESIGNATION.—

7 “(i) IN GENERAL.—If in a 4-year pe-
8 riod no review has taken place under sub-
9 paragraph (B), the Secretary shall review
10 the designation of the foreign terrorist or-
11 ganization in order to determine whether
12 such designation should be revoked pursu-
13 ant to paragraph (6).

14 “(ii) PROCEDURES.—If a review does
15 not take place pursuant to subparagraph
16 (B) in response to a petition for revocation
17 that is filed in accordance with that sub-
18 paragraph, then the review shall be con-
19 ducted pursuant to procedures established
20 by the Secretary. The results of such re-
21 view and the applicable procedures shall
22 not be reviewable in any court.

23 “(iii) PUBLICATION OF RESULTS OF
24 REVIEW.—The Secretary shall publish any

1 determination made pursuant to this sub-
2 paragraph in the Federal Register.”.

3 (b) ALIASES.—Section 219 of the Immigration and
4 Nationality Act (8 U.S.C. 1189) is amended—

5 (1) by redesignating subsections (b) and (c) as
6 subsections (c) and (d), respectively; and

7 (2) by inserting after subsection (a) the fol-
8 lowing new subsection (b):

9 “(b) AMENDMENTS TO A DESIGNATION.—

10 “(1) IN GENERAL.—The Secretary may amend
11 a designation under this subsection if the Secretary
12 finds that the organization has changed its name,
13 adopted a new alias, dissolved and then reconsti-
14 tuted itself under a different name or names, or
15 merged with another organization.

16 “(2) PROCEDURE.—Amendments made to a
17 designation in accordance with paragraph (1) shall
18 be effective upon publication in the Federal Register.
19 Subparagraphs (B) and (C) of subsection (a)(2)
20 shall apply to an amended designation upon such
21 publication. Paragraphs (2)(A)(i), (4), (5), (6), (7),
22 and (8) of subsection (a) shall also apply to an
23 amended designation.

24 “(3) ADMINISTRATIVE RECORD.—The adminis-
25 trative record shall be corrected to include the

1 amendments as well as any additional relevant infor-
2 mation that supports those amendments.

3 “(4) CLASSIFIED INFORMATION.—The Sec-
4 retary may consider classified information in amend-
5 ing a designation in accordance with this subsection.
6 Classified information shall not be subject to disclo-
7 sure for such time as it remains classified, except
8 that such information may be disclosed to a court ex
9 parte and in camera for purposes of judicial review
10 under subsection (c).”.

11 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
12 Section 219 of the Immigration and Nationality Act (8
13 U.S.C. 1189) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (3)(B), by striking “sub-
16 section (b)” and inserting “subsection (c)”;

17 (B) in paragraph (6)(A)—

18 (i) in the matter preceding clause (i),
19 by striking “or a redesignation made under
20 paragraph (4)(B)” and inserting “at any
21 time, and shall revoke a designation upon
22 completion of a review conducted pursuant
23 to subparagraphs (B) and (C) of para-
24 graph (4)”;

1 (ii) in clause (i), by striking “or redesi-
2 gnation”;

3 (C) in paragraph (7), by striking “, or the
4 revocation of a redesignation under paragraph
5 (6),”; and

6 (D) in paragraph (8)—

7 (i) by striking “, or if a redesignation
8 under this subsection has become effective
9 under paragraph (4)(B),”; and

10 (ii) by striking “or redesignation”;
11 and

12 (2) in subsection (c), as so redesignated—

13 (A) in paragraph (1), by striking “of the
14 designation in the Federal Register,” and all
15 that follows through “review of the designa-
16 tion” and inserting “in the Federal Register of
17 a designation, an amended designation, or a de-
18 termination in response to a petition for revoca-
19 tion, the designated organization may seek judi-
20 cial review”;

21 (B) in paragraph (2), by inserting “,
22 amended designation, or determination in re-
23 sponse to a petition for revocation” after “des-
24 gnation”;

1 (2) Taiwan today is a full-fledged democracy
2 with a vibrant economy and a vigorous multi-party
3 political system that respects human rights and the
4 rule of law.

5 (3) Taiwan is an ally of the United States, as
6 most recently evidenced by Taiwan's provision of hu-
7 manitarian and financial assistance to Afghanistan
8 at the request of the United States and its support
9 for Operation Iraqi Freedom.

10 (4) The security of the 23 million people in Tai-
11 wan is threatened by the deployment by the People's
12 Republic of China of over 400 short-range ballistic
13 missiles targeted at Taiwan, and the purchase by the
14 PRC of advanced weaponry systems, including Su-
15 27 and Su-30 fighter planes, Kilo submarines, and
16 Sovremenny destroyers.

17 (5) Taiwan was threatened by missile exercises
18 conducted by the PRC in August 1995 and again in
19 March 1996 when Taiwan was conducting its first
20 free and direct presidential elections.

21 (6) Section 2(b)(4) of the Taiwan Relations Act
22 (22 U.S.C. 3301(b)(4)) considers any effort to de-
23 termine the future of Taiwan by other than peaceful
24 means, including by boycotts or embargoes, a threat

1 to the peace and security of the Western Pacific
2 area and of grave concern to the United States.

3 (7) Section 2(b)(6) of the Taiwan Relations Act
4 (22 U.S.C. 3301(b)(6)) requires the United States
5 to maintain the capacity to resist any resort to force
6 or other forms of coercion that would jeopardize the
7 security, or the social or economic system, of the
8 people on Taiwan.

9 (8) In his January 17, 2001, confirmation hear-
10 ing as Secretary of State, General Colin Powell stat-
11 ed that “We will stand by Taiwan and will provide
12 for the defense needs of Taiwan in accordance with
13 the Taiwan Relations Act and the subsequent com-
14 muniqes.”.

15 (9) President Bush stated on April 24, 2001,
16 that the United States will do whatever it takes to
17 help Taiwan defend itself.

18 (10) In his testimony before the International
19 Relations Committee of the House of Representa-
20 tives and the Foreign Relations Committee of the
21 Senate in February and March of 2002, Admiral
22 Dennis Blair of the United States Pacific Command
23 testified that “China continued to build and exercise
24 its force of short-range ballistic missiles ranging
25 Taiwan. It still seeks to develop a range of military

1 options to influence and intimidate Taiwan, and has
2 not abandoned the option of using force to resolve
3 Taiwan’s status.”.

4 (11) The July 2002 U.S.-China Economic and
5 Security Review Commission report to Congress
6 stated that “China is enhancing its capability to
7 carry out attacks across the Taiwan Strait with its
8 special operations forces, air forces and navy and
9 missiles forces with little notice,” and “the Commis-
10 sion recommends that the U.S. along with its allies
11 should continue to call upon China to renounce the
12 threat of or the use of force against Taiwan.”.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) grave concerns exist concerning the deploy-
16 ment by the People’s Republic of China of hundreds
17 of ballistic missiles directed toward Taiwan, which
18 threaten the security and stability in the Taiwan
19 Strait;

20 (2) the President should direct all appropriate
21 United States officials to raise these concerns with
22 the appropriate officials from the People’s Republic
23 of China, and should seek a public, immediate, and
24 unequivocal renunciation from the leaders of the

1 People's Republic of China of any threat or use of
2 force against Taiwan;

3 (3) the President should affirm with the leaders
4 of the People's Republic of China that there will not
5 be a quid pro quo between the dismantling of mis-
6 siles aimed at Taiwan by the People's Republic of
7 China, and arms sales to Taiwan by the United
8 States;

9 (4) China should dismantle the missiles that
10 threaten Taiwan, otherwise the President should au-
11 thorize the sale of the Aegis system to Taiwan,
12 which would enable Taiwan to defend itself against
13 the threat of a missile attack by China; and

14 (5) the future of Taiwan should be determined
15 peacefully and with the express consent of the people
16 of Taiwan.

17 **SEC. 738. SENSE OF CONGRESS IN APPRECIATION OF THE**
18 **ARMED FORCES OF THE UNITED STATES AND**
19 **REGARDING RESTORING STABILITY AND SE-**
20 **CURITY IN IRAQ.**

21 (a) FINDINGS.—The Congress makes the following
22 findings:

23 (1) The United States, with the support of
24 forces from Great Britain and other countries, his-

1 torically and courageously liberated Iraq in three
2 weeks.

3 (2) Conditions on the ground in parts of Iraq
4 continue to pose a grave threat to American troops,
5 thereby complicating efforts to restore law and order
6 and essential public services for Iraqis. Such efforts
7 are further complicated by the absence of effective
8 communications with the Iraqi people.

9 (3) Ultimately, maintaining law and order in
10 Iraq and preserving its territorial integrity will re-
11 quire the creation of a professionally trained Iraqi
12 police force and a reformed Iraqi military; however,
13 that will take a significant amount of time and in
14 the meantime international armed forces and police
15 must assume these responsibilities.

16 (4) Approximately 145,000 United States
17 troops are currently deployed in Iraq, meaning that
18 American troops comprise roughly 90 percent of Co-
19 alition forces. If, as the Department of Defense has
20 stated, an additional 10,000 international troops
21 join the Coalition effort in Iraq by September,
22 Americans will still comprise roughly 85 percent of
23 Coalition forces.

24 (5) Maintaining the existing force level in Iraq
25 currently requires \$3,900,000,000 each month.

1 (6) The Department of Defense has stated that
2 it will require one year to train a new Iraqi Army
3 of 12,000 soldiers and three years to train 40,000
4 soldiers.

5 (7) The Coalition Provisional Authority has
6 stated that it will require at least one year to recruit
7 and train a police force of 40,000 officers capable of
8 assuming minimal police functions in Iraq, that it
9 will require five years to recruit and train a full
10 force of 75,000 officers, and that at least 5500 addi-
11 tional international police are needed to train, assist,
12 and jointly patrol with the existing Iraqi police force.

13 (8) President Bush has noted that “The rise of
14 Iraq, as an example of moderation and democracy
15 and prosperity, is a massive and long-term under-
16 taking,” and it is clear that increasing the number
17 of troops and police from countries other than the
18 United States will reduce risks to American soldiers
19 and the financial cost to the United States.

20 (9) Secretary Rumsfeld testified that “We cer-
21 tainly want assistance from NATO and from NATO
22 countries” and it is clear that involving the North
23 Atlantic Treaty Organization, as is being done in Af-
24 ghanistan and has been done in Kosovo and Bosnia,
25 allows the Coalition to maintain a robust military

1 presence while decreasing the exposure and risk to
2 American troops.

3 (10) Rebuilding Iraq's neglected infrastructure
4 and economy and administering Iraq—including pro-
5 viding basic services and paying public sector sala-
6 ries—is likely to require tens of billions of dollars
7 over several years and projected Iraqi oil revenues
8 will be insufficient to meet these costs.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) it is in the national security interests of the
12 United States to remain engaged in Iraq in order to
13 ensure a peaceful, stable, unified Iraq with a rep-
14 resentative government;

15 (2) the President should consider requesting
16 formally and expeditiously that the North Atlantic
17 Treaty Organization (NATO) raise a force for de-
18 ployment in post-war Iraq similar to what it has
19 done in Afghanistan, Bosnia, and Kosovo and the
20 Congress urges NATO allies and other nations to
21 provide troops and police to Coalition efforts in Iraq;
22 and

23 (3) the President should consider calling on the
24 United Nations to urge its member states to provide
25 military forces and civilian police to promote sta-

1 bility and security in Iraq and resources to help re-
2 build and administer Iraq.

3 **SEC. 739. ATTACKS ON UNITED STATES CITIZENS BY PALES-**
4 **TINIAN TERRORISTS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Since Yasser Arafat renounced violence in
7 the Oslo Peace Accords on September 13, 1993, at
8 least 41 United States citizens have been murdered
9 by Palestinian terrorists and one United States cit-
10 izen miscarried after being stabbed in a Palestinian
11 terrorist attack.

12 (2) On December 1, 1993, in a drive-by shoot-
13 ing north of Jerusalem, Hamas killed United States
14 citizen Yitzhak Weinstock, 19, whose family came
15 from Los Angeles.

16 (3) On October 9, 1994, Hamas kidnapped and
17 murdered United States citizen Nachshon
18 Wachsman, 19, whose family came from New York
19 City.

20 (4) On April 9, 1995, an Islamic Jihad bomb
21 attack on a bus near Kfar Darom killed United
22 States citizen Alisa Flatow, 20, from West Orange,
23 New Jersey.

1 (5) On August 21, 1995, in a Hamas bus
2 bombing in Jerusalem, United States citizen Joan
3 Davenny, from New Haven, Connecticut, was killed.

4 (6) On September 9, 1995, Mara Frey of Chi-
5 cago was stabbed in Ma'ale Michmash resulting in
6 her unborn child's death.

7 (7) On February 25, 1996, three United States
8 citizens, Sara Duker of Teaneck, New Jersey, Mat-
9 thew Eisenfeld of West Hartford, Connecticut, and
10 Ira Weinstein of New York City, were killed in a
11 Hamas bus bombing in Jerusalem.

12 (8) On May 13, 1996, United States citizen
13 David Boim, 17, of New York City, was killed in a
14 drive-by shooting near Beit El, north of Jerusalem.

15 (9) On June 9, 1996, United States citizen
16 Yaron Ungar was killed in a drive by-shooting near
17 Beit Shemesh.

18 (10) On July 30, 1997, United States citizen
19 Leah Stern of Passaic, New Jersey, was killed in a
20 Hamas bombing in Jerusalem's Mahane Yehuda
21 market.

22 (11) On September 4, 1997, a Hamas bombing
23 on Ben-Yehuda Street, Jerusalem, killed Yael
24 Botwin, 14, of Los Angeles.

1 (12) On April 19, 1998, an attack near the
2 Israeli town of Maon killed United States citizen
3 Dov Dribben, 28.

4 (13) On October 8, 2000, Rabbi Hillel
5 Lieberman, 36, of New York City, was stabbed and
6 killed near Nablus.

7 (14) On October 30, 2000, United States cit-
8 izen Esh-Kodesh Gilmore, 25, was shot in Jeru-
9 salem.

10 (15) On December 31, 2000, Rabbi Binyamin
11 Kahane, 34, and his wife, Talia Hertzlich Kahane,
12 both formerly of New York City, were killed in a
13 drive-by shooting near Ofra.

14 (16) On May 9, 2001, Jacob “Koby” Mandell,
15 13, of Silver Spring, Maryland, was killed in an at-
16 tack near Tekoah.

17 (17) On May 29, 2001, Sarah Blaustein, 53, of
18 Lawrence, New York, was killed in a drive-by shoot-
19 ing near Efrat.

20 (18) On August 9, 2001, two United States
21 citizens, Judith L. Greenbaum, 31, and Malka Roth,
22 15, were killed in the Jerusalem Sbarro pizzeria
23 bombing.

1 (19) On November 4, 2001, Shoshana Ben-
2 Yishai, 16, of New York City, was shot and killed
3 during an attack on a Jerusalem bus.

4 (20) On January 15, 2002, Avraham Boaz, 72,
5 of New York City, was killed in a shooting near
6 Bethlehem.

7 (21) On January 18, 2002, United States cit-
8 izen Aaron Elis, 32, was killed in a shooting in
9 Hadera.

10 (22) On February 15, 2002, United States cit-
11 izen Lee Akunis, was shot and killed near Ramallah.

12 (23) On February 16, 2002, Keren Shatsky,
13 14, of New York City and Maine, and Rachel
14 Thaler, 16, of Baltimore, Maryland, were killed in a
15 bombing in Karnei Shomron.

16 (24) On February 25, 2002, United States cit-
17 izen Moran Amit, 25, was stabbed and killed in Abu
18 Tor Peace Forest, Jerusalem.

19 (25) On March 24, 2002, Esther Kleinman, 23,
20 formerly of Chicago, was shot and killed near Ofra.

21 (26) On March 27, 2002, United States citizen
22 Hannah Rogen, 90, was killed in a bombing at a
23 hotel Passover seder in Netanya.

1 (27) On June 18, 2002, Moshe Gottlieb, 70, of
2 Los Angeles, was killed in a bus bombing in Jeru-
3 salem.

4 (28) On June 19, 2002, United States citizen
5 Gila Sara Kessler, 19, was killed in a bombing at a
6 Jerusalem bus stop.

7 (29) On July 31, 2002, five United States citi-
8 zens were killed in a bombing of a Hebrew Univer-
9 sity cafeteria: Marla Bennett, 24, of San Diego,
10 Benjamin Blutstein, 25, of Susquehanna Township,
11 Pennsylvania, Janis Ruth Coulter, 36, of Massachu-
12 setts, David Gritz, 24, of Peru, Massachusetts (and
13 of dual French-United States citizenship), and Dina
14 Carter, 37, of North Carolina.

15 (30) On March 5, 2003, Abigail Leitel, 14, who
16 was born in Lebanon, New Hampshire, died in a bus
17 bombing in Haifa.

18 (31) On March 7, 2003, United States citizens
19 Rabbi Eli Horowitz, 52, who grew up in Chicago,
20 and Dina Horowitz, 50, who grew up in Florida,
21 were killed in their home.

22 (32) On June 11, 2003, United States citizen
23 Alan Beer, 47, who grew up in Cleveland, was killed
24 in bus bombing in Jerusalem.

1 (33) On June 20, 2003, United States citizen
2 Tzvi Goldstein, 47, originally from New York City,
3 was shot and killed in an attack while driving
4 through the West Bank.

5 (34) At least another 79 United States citizens
6 have been injured in Palestinian terrorist attacks.

7 (b) STATEMENTS OF POLICY.—Congress—

8 (1) condemns the attacks on United States citi-
9 zens by Palestinian terrorists;

10 (2) calls on the Palestinian Authority to work
11 with Israel to protect all innocent individuals, re-
12 gardless of citizenship, from terrorist atrocities;

13 (3) offers its condolences to the families and
14 loved ones of United States citizens who were killed
15 by Palestinian terrorist attacks; and

16 (4) calls on the Secretary of State to include a
17 listing of the killing of every United States citizen
18 by terrorists in the “Chronology of Significant Ter-
19 rorist Incidents”, as included in the Department of
20 State’s Patterns of Global Terrorism Report issued
21 after the date of the enactment of this Act.

1 **SEC. 740. SENSE OF CONGRESS AND REPORT CONCERNING**
2 **WASTEWATER TREATMENT AND THE INTER-**
3 **NATIONAL BOUNDARY AND WATER COMMIS-**
4 **SION, UNITED STATES AND MEXICO.**

5 (a) FINDINGS.—The Congress finds as follows:

6 (1) The failure by the International Boundary
7 and Water Commission, United States and Mexico,
8 to complete negotiations on a new Treaty Minute
9 with Mexico, as directed by Congress in Public Law
10 106–457, has endangered the health of the residents
11 of San Diego County.

12 (2) The continued flow of Mexican sewage on
13 San Diego, California, beaches has caused extensive
14 and persistent beach closings thereby causing eco-
15 nomic hardship to the local economy.

16 (3) The International Boundary and Water
17 Commission has shown insignificant progress in ne-
18 gotiations with Mexico.

19 (b) SENSE OF CONGRESS.—It is the sense of the
20 Congress that the United States Section of the Inter-
21 national Boundary and Water Commission shall make
22 treaty negotiations with Mexico on the establishment of
23 a public-private partnership to construct and operate a
24 wastewater treatment facility in Mexico as outlined in
25 Public Law 106–457 a priority.

1 (c) REPORT TO CONGRESS.—The United States Sec-
 2 tion of the International Boundary and Water Commis-
 3 sion, United States and Mexico, shall submit monthly re-
 4 ports to the appropriate congressional committees con-
 5 cerning progress in negotiations on a new Treaty Minute
 6 with Mexico.

7 **SEC. 741. SENSE OF CONGRESS REGARDING ALLOCATION**
 8 **OF RESOURCES FOR THE DEPARTMENT OF**
 9 **STATE AS THE CENTRAL AUTHORITY FOR**
 10 **THE UNITED STATES UNDER THE HAGUE**
 11 **CONVENTION ON INTERCOUNTRY ADOPTION.**

12 It is the sense of the Congress that the Department
 13 of State should direct significant resources to their new
 14 role as the central authority for the United States under
 15 the Hague Convention on Intercountry Adoption.

16 **SEC. 742. TRANSFER OF VIETNAM-ERA CESSNA L-19D BIRD**
 17 **DOG AIRCRAFT TO ARMY AVIATION HERIT-**
 18 **AGE FOUNDATION.**

19 (a) AUTHORITY TO CONVEY.—The Secretary of
 20 State may convey, without consideration, to the Army
 21 Aviation Heritage Foundation, a nonprofit organization
 22 incorporated in the State of Georgia, all right, title, and
 23 interest of the United States in and to a Vietnam-era
 24 Cessna L-19D Bird Dog aircraft (serial No. 24020, Na-
 25 tional registration number N32FL)(in this section re-

1 ferred to as the “aircraft”) that is excess to the needs
2 of the Department of State. The conveyance shall be made
3 by means of a conditional deed of gift

4 (b) CONDITION OF AIRCRAFT.—The aircraft shall be
5 conveyed in its current “as is” condition. The Secretary
6 is not required to repair or alter the condition of the air-
7 craft before conveying ownership of the aircraft.

8 (c) CONDITION ON CONVEYANCE.—The Secretary
9 shall include in the instrument of conveyance of the air-
10 craft the following conditions:

11 (1) The Army Aviation Heritage Foundation
12 may not convey any ownership interest in, or trans-
13 fer possession of, the aircraft to any other party
14 without the prior approval of the Secretary.

15 (2) The Army Aviation Heritage Foundation
16 shall operate and maintain the aircraft in compli-
17 ance with all applicable limitations and maintenance
18 requirements imposed by the Administrator of the
19 Federal Aviation Administration.

20 (d) REVERTER UPON BREACH OF CONDITIONS.—If
21 the Secretary determines at any time that the Army Avia-
22 tion Heritage Foundation has conveyed an ownership in-
23 terest in, or transferred possession of, the aircraft to any
24 other party without the prior approval of the Secretary,
25 all right, title, and interest in and to the aircraft, including

1 any repair or alteration of the aircraft, shall revert to the
2 United States, and the United States shall have the right
3 of immediate possession of the aircraft.

4 (e) CONVEYANCE AT NO COST TO THE UNITED
5 STATES.—The conveyance of the aircraft shall be made
6 at no cost to the United States. Any costs associated with
7 the conveyance and costs of operation and maintenance
8 of the aircraft conveyed shall be borne by the Army Avia-
9 tion Heritage Foundation.

10 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
11 retary may require such additional terms and conditions
12 in connection with a conveyance under this section as the
13 Secretary considers appropriate to protect the interests of
14 the United States.

15 (g) CLARIFICATION OF LIABILITY.—Notwithstanding
16 any other provision of law, upon the conveyance of owner-
17 ship of the aircraft to the Army Aviation Heritage Foun-
18 dation, the United States shall not be liable for any death,
19 injury, loss, or damage that results from any use of that
20 aircraft by any person other than the United States.

21 **SEC. 743. STATEMENT OF POLICY RELATING TO DEMOC-**
22 **RACY IN IRAN.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) Iran is neither free nor democratic. Men
25 and women are not treated equally in Iran, women

1 are legally deprived of internationally recognized
2 human rights, and religious freedom is not respected
3 under the laws of Iran. Undemocratic institutions,
4 such as the Guardians Council, thwart the decisions
5 of elected leaders.

6 (2) The April 2003 report of the Department of
7 State states that Iran remained the most active
8 state sponsor of terrorism in 2002.

9 (3) That report also states that Iran continues
10 to provide funding, safe-haven, training and weapons
11 to known terrorist groups, notably Hizballah,
12 HAMAS, the Palestine Islamic Jihad, and the Pop-
13 ular Front for the Liberation of Palestine.

14 (b) POLICY.—It is the policy of the United States
15 that—

16 (1) currently, there is not a free and fully
17 democratic government in Iran;

18 (2) the United States supports transparent, full
19 democracy in Iran;

20 (3) the United States supports the rights of the
21 Iranian people to choose their system of government;
22 and

23 (4) the United States condemns the brutal
24 treatment, imprisonment and torture of Iranian ci-
25 vilians expressing political dissent.

1 **SEC. 744. SENSE OF CONGRESS REGARDING THE EXTRA-**
2 **DITION OF VIOLENT CRIMINALS FROM MEX-**
3 **ICO TO THE UNITED STATES.**

4 (a) FINDINGS.—The Congress finds as follows:

5 (1) The Mexican Supreme Court ruled in Octo-
6 ber 2001 that Mexico will not extradite criminals
7 who face life sentences in the United States.

8 (2) Due to this ruling, the United States has
9 been unable to prosecute numerous suspects wanted
10 for violent crimes that they committed in the United
11 States if there is a possibility that these criminals
12 will face life imprisonment.

13 (3) The person or persons responsible for the
14 April 29, 2002, murder of Los Angeles County Sher-
15 iff Deputy David March is believed to have fled to
16 Mexico to avoid prosecution for a possible life im-
17 prisonment.

18 (4) The attorneys general from all 50 States
19 have asked United States Attorney General John
20 Ashcroft and Secretary of State Colin Powell to con-
21 tinue to address this extradition issue with their
22 counterparts in Mexico.

23 (5) The Governments of the United States and
24 Mexico have experienced positive cooperation on nu-
25 merous matters relevant to their bilateral relation-
26 ship.

1 (6) The Mexican Minister of Foreign Affairs
2 has been demonstrating to the Mexican Supreme
3 Court the international ramifications of the Court's
4 October 2001 ruling.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the United States Government should encour-
7 age the Mexican Government to work closely with the
8 Mexican Supreme Court to persuade the Court to recon-
9 sider its October 2001 ruling so that the possibility of life
10 imprisonment will not have an effect on the timely extra-
11 dition of criminal suspects from Mexico to the United
12 States.

13 **DIVISION D—DEFENSE TRADE**
14 **AND SECURITY ASSISTANCE**
15 **REFORM ACT OF 2003**
16 **TITLE X—GENERAL PROVISIONS**

17 **SEC. 1001. SHORT TITLE.**

18 This division may be cited as the “Defense Trade and
19 Security Assistance Reform Act of 2003”.

20 **SEC. 1002. DEFINITIONS.**

21 Except as otherwise provided, in this division:

22 (1) DEFENSE ARTICLES.—The term “defense
23 articles” has the meaning given the term in section
24 47(7)(A) of the Arms Export Control Act (as
25 amended by section 1107(d) of this Act).

1 (2) DEFENSE SERVICES.—The term “defense
2 services” has the meaning given the term in section
3 47(7)(B) of the Arms Export Control Act (as
4 amended by section 1107(d) of this Act).

5 (3) DUAL USE.—The term “dual use” means,
6 with respect to goods or technology, those goods or
7 technology that are specifically designed or devel-
8 oped for civil purposes but which also may be used
9 or deployed in a military mode.

10 (4) EXPORT ADMINISTRATION REGULATIONS.—
11 The term “Export Administration Regulations”
12 means those regulations contained in sections 730–
13 774 of title 15, Code of Federal Regulations (or suc-
14 cessor regulations).

15 (5) GOOD.—The term “good” has the meaning
16 given the term in section 16(3) of the Export Ad-
17 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

18 (6) INTERNATIONAL TRAFFIC IN ARMS REGULA-
19 TIONS.—The term “International Traffic in Arms
20 Regulations” means those regulations contained in
21 sections 120–130 of title 22, Code of Federal Regu-
22 lations (or successor regulations).

23 (7) MISSILE TECHNOLOGY CONTROL REGIME;
24 MTCR.—The term “Missile Technology Control Re-
25 gime” or “MTCR” has the meaning given the term

1 in section 11B(c)(2) of the Export Administration
2 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

3 (8) MISSILE TECHNOLOGY CONTROL REGIME
4 ANNEX; MTCR ANNEX.—The term “Missile Tech-
5 nology Control Regime Annex” or “MTCR Annex”
6 has the meaning given the term in section 11B(c)(4)
7 of the Export Administration Act of 1979 (50
8 U.S.C. App. 2401b(c)(4)).

9 (9) OPERATION IRAQI FREEDOM.—The term
10 “Operation Iraqi Freedom” means operations of
11 United States Armed Forces, the armed forces of
12 the United Kingdom, and the armed forces of other
13 coalition member countries initiated on or about
14 March 19, 2003—

15 (A) to disarm Iraq of its weapons of mass
16 destruction;

17 (B) to enforce United Nations Security
18 Council Resolution 1441 (November 8, 2002)
19 and other relevant Security Council resolutions
20 with respect to Iraq; and

21 (C) to liberate the people of Iraq from the
22 regime of Saddam Hussein.

23 (10) TECHNOLOGY.—The term “technology”
24 has the meaning given the term in section 16(4) of

1 the Export Administration Act of 1979 (50 U.S.C.
2 App. 2415(4)).

3 **SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.**

4 Except as otherwise specifically provided, whenever in
5 this division an amendment is expressed in terms of an
6 amendment to a section or other provision, the reference
7 shall be considered to be made to that section or other
8 provision of the Arms Export Control Act (22 U.S.C. 2751
9 et seq.).

10 **TITLE XI—TERRORIST-RELATED**
11 **PROHIBITIONS AND EN-**
12 **FORCEMENT MEASURES**

13 **SEC. 1101. ELIGIBILITY PROVISIONS.**

14 (a) INELIGIBILITY FOR TERRORIST RELATED
15 TRANSACTIONS.—Section 3(e)(1) (22 U.S.C. 2753(e)(1))
16 is amended—

17 (1) in each of subparagraphs (A) and (B), by
18 striking “or any predecessor Act,” and inserting “,
19 any predecessor Act, or licensed or approved under
20 section 38 of this Act, to carry out a transaction
21 with a country, the government of which the Sec-
22 retary of State has determined is a state sponsor of
23 international terrorism for purposes of section
24 6(j)(1) of the Export Administration Act of 1979

1 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such
2 defense articles or defense services”; and

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

4 “(C) In this section, the term ‘transaction’ means the
5 taking of any action, directly or indirectly, by a foreign
6 country that would be a transaction prohibited by section
7 40 of this Act with respect to the United States Govern-
8 ment and United States persons.”.

9 (b) REPORTING REQUIREMENT.—Section 3(e) (22
10 U.S.C. 2753(e)) is amended by inserting after “the For-
11 eign Assistance Act of 1961,” the following: “regardless
12 of whether the article or service has been sold or otherwise
13 furnished by the United States Government or licensed
14 under section 38 of this Act,”.

15 **SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN**
16 **THE UNITED STATES.**

17 Section 38(a)(1) (22 U.S.C. 2778(a)(1)) is amended
18 in the first sentence by inserting after “import and the
19 export of defense articles and defense services” the fol-
20 lowing: “, or the transfer of such articles, other than fire-
21 arms (or ammunition, components, parts, accessories, or
22 attachments for firearms), and services within the United
23 States to foreign persons,”.

1 **SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH**
2 **UNITED STATES LAW ENFORCEMENT AGEN-**
3 **CIES.**

4 (a) SENSE OF CONGRESS.—In view of the historic
5 difficulties in the enforcement of the Arms Export Control
6 Act (22 U.S.C. 2751 et seq.) associated with violations
7 involving exports of defense articles and defense services
8 that have been exempted by regulation from the licensing
9 requirements of section 38 of such Act, it is the sense of
10 Congress that the establishment of new exemptions by reg-
11 ulation should only be undertaken after careful coordina-
12 tion with the appropriate United States law enforcement
13 agencies.

14 (b) AMENDMENT.—Section 38(b)(2) (22 U.S.C.
15 2778(b)(2)) is amended by adding at the end the following
16 new sentences: “In promulgating regulations under sub-
17 section (a)(1) in accordance with the preceding sentence,
18 any provision in such regulations that permits the export
19 of defense articles or defense services without a license
20 shall include a determination by the Attorney General, in
21 consultation with the Secretary of Homeland Security and
22 the Director of the Federal Bureau of Investigation, that
23 the compilation and maintenance of sufficient documenta-
24 tion relating to the export without a license of the articles
25 or services is ensured, notwithstanding the absence of a
26 license, to facilitate law enforcement efforts to detect, pre-

1 vent, and prosecute criminal violations of any provision of
2 this section, section 39, or section 40 of this Act, including
3 the efforts on the part of countries and factions engaged
4 in international terrorism to illicitly acquire defense arti-
5 cles and defense services. No defense article or defense
6 service designated by the President under subsection
7 (a)(1) may be exported without a license pursuant to a
8 regulation under subsection (a)(1) that is promulgated on
9 or after January 1, 2003, until 30 days after the date
10 on which the President provides notice of the proposed
11 regulation to the Committee on International Relations of
12 the House of Representatives and to the Committee on
13 Foreign Relations of the Senate in accordance with the
14 procedures applicable to reprogramming notifications
15 under section 634A(a) of the Foreign Assistance Act of
16 1961, including a description of the criteria that would
17 be used to permit the export of the article or service and
18 any measures to facilitate law enforcement efforts associ-
19 ated with the Attorney General's determination required
20 by the preceding sentence.”.

21 **SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLA-**
22 **TION OF CERTAIN PROVISIONS OF LAW.**

23 Section 38(g)(1)(A) (22 U.S.C. 2778(g)(1)(A)) is
24 amended—

25 (1) in clause (iii)—

1 (A) by striking “or section 2339A” and in-
2 serting “, section 2339A”; and

3 (B) by inserting at the end before the
4 comma the following: “, or section 2339C of
5 such title (relating to financing terrorism)”;

6 (2) in clause (x), by striking “or” at the end;

7 (3) in clause (xi), by striking the semicolon at
8 the end and inserting a comma; and

9 (4) by adding at the end the following:

10 “(xii) subclause (I) or (II) of section
11 1956(c)(7)(B)(v) of title 18, United States
12 Code;

13 “(xiii) section 329 of the Uniting and
14 Strengthening America by Providing Appro-
15 priate Tools Required to Intercept and Obstruct
16 Terrorism (USA PATRIOT ACT) Act of 2001;

17 “(xiv) section 5332 of title 31, United
18 States Code;

19 “(xv) section 1960 of title 18, United
20 States Code;

21 “(xvi) section 175(b), 175b, 1993, 2339 of
22 title 18, United States Code;

23 “(xvii) section 2332a, 2332b, or 2332f of
24 title 18, United States Code; or

1 “(xviii) section 175 of title 18, United
2 States Code;”.

3 **SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES**

4 **ARMS EMBARGOES.**

5 (a) FINDINGS; SENSE OF CONGRESS.—

6 (1) FINDINGS.—Congress finds that—

7 (A) governments to which the United
8 States Government prohibits by law or policy
9 the transfer of implements of war, including
10 material, components, parts, and other defense
11 articles and defense services (as defined in
12 paragraphs (3) and (4) of section 47 of the
13 Arms Export Control Act, respectively) continue
14 to seek to evade these embargoes through in-
15 creasingly sophisticated illegal acquisitions via
16 the “international gray arms market” and by
17 seeking to exploit weaknesses in the export con-
18 trol system of the United States and its friends
19 and allies; and

20 (B) the strict and comprehensive applica-
21 tion of arms embargoes referred to in subpara-
22 graph (A) including those embargoes estab-
23 lished by the United Nations Security Council
24 is of fundamental importance to the security

1 and foreign policy interests of the United
2 States.

3 (2) SENSE OF CONGRESS.—It is the sense of
4 Congress that the United States Government should
5 continue to provide a leadership role internationally
6 in ensuring the effectiveness of arms embargoes re-
7 ferred to in paragraph (1).

8 (b) SCOPE OF EMBARGOES.—Section 38 (22 U.S.C.
9 2778) is amended by adding at the end the following:

10 “(k) Whenever the United States maintains an arms
11 embargo pursuant to United States law, or through public
12 notice by the President or Secretary of State pursuant to
13 the authorities of this Act, no defense article or defense
14 service subject to sections 120–130 of title 22, Code of
15 Federal Regulations (commonly known as the ‘Inter-
16 national Traffic in Arms Regulations’) and no dual use
17 good or technology subject to sections 730–774 of title 15,
18 Code of Federal Regulations (commonly known as the ‘Ex-
19 port Administration Regulations’) shall be sold or trans-
20 ferred to the military, police, or intelligence services of the
21 embargoed government, including any associated govern-
22 mental agency, subdivision, entity, or other person acting
23 on their behalf, unless, at a minimum and without preju-
24 dice to any additional requirements established in United
25 States law or regulation, the Secretary of State and the

1 Secretary of Defense have concurred in the sale or trans-
2 fer through issuance of a license.”.

3 (c) ESTABLISHMENT OF CONTROLS.—The Secretary
4 shall consult with the Secretary of Commerce to ensure
5 the establishment of appropriate foreign policy and na-
6 tional security controls and license requirements under the
7 Export Administration Regulations in order to ensure the
8 effective implementation of section 38(k) of the Arms Ex-
9 port Control Act, as added by subsection (b).

10 (d) REPORT.—Not later than 120 days after the date
11 of the enactment of this Act, the Secretary shall submit
12 to the appropriate congressional committees a report that
13 describes the actions taken to implement the requirements
14 of subsection (c).

15 **SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING**
16 **ACTS OF INTERNATIONAL TERRORISM.**

17 Section 40(l)(1) (22 U.S.C. 2780(l)(1)) is amended
18 by striking “any item enumerated on the United States
19 Munitions List” and inserting “a defense article or de-
20 fense service (as defined in subparagraph (A) or (B) of
21 section 47(7), respectively), an item enumerated on the
22 United States Munitions List (as designated by the Presi-
23 dent pursuant to section 38(a)), or any other activity for
24 which a license or other approval is required pursuant to
25 the regulations promulgated under subsection (a)(1)”.

1 **SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS**
2 **AND IMPORTS.**

3 (a) REVISION OF STANDARD FOR VIOLATION;
4 AMOUNT OF PENALTIES.—Section 38(c) (22 U.S.C.
5 2778(c)) is amended—

6 (1) by striking “willfully” each place it appears
7 and inserting “knowingly”;

8 (2) by striking “this section or section 39” and
9 inserting “this section, section 39, or section 40”;
10 and

11 (3) by striking “\$1,000,000” and inserting
12 “\$1,000,000 (in the case of a violation of this sec-
13 tion or section 39), \$2,000,000 (in the case of a vio-
14 lation involving any country covered by section 40),
15 and \$1,500,000 (in the case of a violation involving
16 any country other than a country covered by section
17 40 that is subject by United States law or policy to
18 an arms embargo)”.

19 (b) CIVIL PENALTIES.—Section 38(e) (22 U.S.C.
20 2778(e)) is amended in the third sentence by striking
21 “under this section may not exceed \$500,000” and insert-
22 ing “or any other activities subject to control under this
23 section, section 39, or section 40, may not exceed
24 \$500,000 for each violation of section 38 or section 39,
25 \$1,000,000 for each violation involving any country cov-
26 ered by section 40, and \$750,000 for each violation relat-

1 ing to an arms embargo (other than a violation covered
2 by section 40)”.

3 (c) REVISION OF STANDARD FOR VIOLATION; CRIMI-
4 NAL PENALTY; CIVIL PENALTIES; ENFORCEMENT.—Sec-
5 tion 40 (22 U.S.C. 2780) is amended—

6 (1) in subsection (j)—

7 (A) by striking “willfully” and inserting
8 “knowingly”; and

9 (B) by striking “\$1,000,000” and insert-
10 ing “\$2,000,000”; and

11 (2) in subsection (k), by striking “\$500,000”
12 and inserting “\$1,000,000”.

13 (d) DEFINITIONS.—Section 47(7) (22 U.S.C.
14 2794(7)) is amended to read as follows:

15 “(7)(A) ‘defense articles’, with respect to ex-
16 ports subject to sections 38, 39, and 40 of this Act,
17 has the meaning given such term in sections 120–
18 130 of title 22, Code of Federal Regulations (com-
19 monly known as the ‘International Traffic in Arms
20 Regulations’), as such regulations were in effect on
21 January 1, 2003, and includes such additional arti-
22 cles as may be designated by the President under
23 section 38(a)(1); and

24 “(B) ‘defense services’, with respect to exports
25 subject to sections 38, 39, and 40 of this Act, has

1 the meaning given such term in sections 120–130 of
2 title 22, Code of Federal Regulations (commonly
3 known as the ‘International Traffic in Arms Regula-
4 tions’), as such regulations were in effect on Janu-
5 ary 1, 2003, and includes—

6 “(i) the provision of assistance (including
7 aiding, abetting, or training) to foreign persons;
8 and

9 “(ii) such other activities as may be des-
10 ignated by the President pursuant to section
11 38(a)(1).”.

12 **SEC. 1108. HIGH RISK EXPORTS AND END USE**
13 **VERIFICATION.**

14 Section 38(g)(7) (22 U.S.C. 2778) is amended by
15 adding at the end the following new sentence: “Such
16 standards shall be coordinated biennially with the Sec-
17 retary of Homeland Security, the Attorney General, the
18 Director of the Federal Bureau of Investigation, the Di-
19 rector of Central Intelligence, and the heads of other Fed-
20 eral departments or agencies, as appropriate.”.

21 **SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL**
22 **BUREAU OF INVESTIGATION.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that, in view of the responsibilities of the Federal
25 Bureau of Investigation for protecting the United States

1 against terrorist attack, foreign intelligence operations,
2 high technology crimes, and transnational criminal organi-
3 zations and enterprises, the Federal Bureau of Investiga-
4 tion should be provided authority to investigate and en-
5 force violations of the Arms Export Control Act without
6 adversely affecting the existing authority of the Bureau
7 of Customs and Border Protection of the Department of
8 Homeland Security.

9 (b) COPY OF REGISTRATION.—Section 38(b)(1) (22
10 U.S.C. 2778(b)) is amended—

11 (1) by redesignating the second subparagraph
12 (B) as subparagraph (C); and

13 (2) in subparagraph (B)—

14 (A) in the first sentence, by inserting “and
15 the Director of the Federal Bureau of Inves-
16 tigation” after “Secretary of Treasury”; and

17 (B) in the second sentence, by inserting
18 “and the Director” after “The Secretary”.

19 (c) JURISDICTION OF FBI AND BUREAU OF CUS-
20 TOMS.—Section 38(e) (22 U.S.C. 2778(e)) is amended in
21 the first sentence by adding at the end before the period
22 the following: “, and except further, that the Federal Bu-
23 reau of Investigation and the Bureau of Customs and Bor-
24 der Protection of the Department of Homeland Security

1 shall have concurrent jurisdiction for criminal violations
2 and enforcement of this Act”.

3 (d) MECHANISMS TO IDENTIFY PERSONS IN VIOLA-
4 TION OF CERTAIN PROVISIONS OF LAW.—Section 38(g)
5 (22 U.S.C. 2778(g)) is amended in the second sentence
6 of paragraph (3), in paragraph (4), and in paragraph (8)
7 by inserting “and the Director of the Federal Bureau of
8 Investigation” after “Secretary of Treasury”.

9 **SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTI-
10 CLES, DEFENSE SERVICES, AND DUAL USE
11 GOODS AND TECHNOLOGY DISCOVERED IN
12 IRAQ.**

13 (a) REPORT.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, and on
16 annual basis thereafter as appropriate, the President
17 shall prepare and transmit to the congressional com-
18 mittees specified in paragraph (2) a written report
19 on foreign-supplied defense articles, defense services,
20 and dual use goods and technology supplied to Iraq
21 since the adoption of United Nations Security Coun-
22 cil Resolution 687 (April 3, 1991) and discovered in
23 Iraq since the inception of Operation Iraqi Freedom
24 or identified as having been in Iraq at any time
25 since April 3, 1991, and not destroyed or otherwise

1 accounted for by the United Nations Special Com-
2 mission (UNSCOM) or the United Nations Moni-
3 toring, Verification and Inspection Commission
4 (UNMOVIC).

5 (2) CONGRESSIONAL COMMITTEES SPECI-
6 FIED.—The congressional committees referred to in
7 paragraph (1) are—

8 (A) the Committee on International Rela-
9 tions and the Committee on Armed Services of
10 the House of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Armed Services of the
13 Senate.

14 (b) CONTENTS.—The report required by subsection
15 (a) shall include information on defense articles, defense
16 services, and dual use goods and technology discovered in
17 accordance with such subsection, including a description
18 of such articles, services, and goods and technology by cat-
19 egory or type, quantity, country of origin (if known), man-
20 ufacturer (if known), date of acquisition (if known), and,
21 in the case of dual use goods and technology, the use or
22 intended use or deployment (if known) and whether the
23 goods or technology are covered by any arms control
24 agreement or nonproliferation arrangement to which the
25 United States is a party.

1 (c) FORM.—The report required by subsection (a)
2 shall be transmitted in unclassified form to the maximum
3 extent practicable, but may contain a classified annex if
4 necessary.

5 **TITLE XII—STRENGTHENING**
6 **MUNITIONS EXPORT CONTROLS**

7 **SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY**

8 **CONTROL REGIME ANNEX.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that all proposals to export or transfer to foreign
11 persons by other means, whether in the United States or
12 abroad, and any other activities subject to regulation
13 under section 38, 39, or 40 of the Arms Export Control
14 Act, relating to items on the Missile Technology Control
15 Regime Annex, should be accorded stringent control and
16 scrutiny consistent with the purposes of section 71 of the
17 Arms Export Control Act (22 U.S.C. 2797).

18 (b) CONTROL OF ITEMS ON MTCR ANNEX.—The
19 Secretary, in coordination with the Secretary of Com-
20 merce, the Attorney General, and the Secretary of De-
21 fense, shall ensure that all items on the MTCR Annex are
22 subject to stringent control by the United States Govern-
23 ment pursuant to the International Traffic in Arms Regu-
24 lations and the Export Administration Regulations.

1 (c) CERTIFICATION.—Not later than March 1 of each
2 year, the Secretary, in coordination with the Secretary of
3 Commerce, the Attorney General and the Secretary of De-
4 fense, shall prepare and submit to the appropriate con-
5 gressional committees a report that contains—

6 (1) a certification that the requirement of sub-
7 section (b) has been met for the prior year, or if the
8 requirement has not been met, the reasons therefor;
9 and

10 (2) a description of the updated coverage, if
11 any, of the regulations referred to in subsection (b)
12 with respect to all items on the MTCR Annex and
13 an explanation of any areas of overlap or omissions,
14 if any, among the regulations.

15 **SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CER-**
16 **TAIN DEFENSE ARTICLES AND SERVICES.**

17 Section 36(c) (22 U.S.C. 2776(c)) is amended—

18 (1) in the first sentence of paragraph (1), by
19 inserting after “\$1,000,000 or more” the following:
20 “, or, notwithstanding section 27(g) of this Act, for
21 any special comprehensive authorization under sec-
22 tions 120–130 of title 22, Code of Federal Regula-
23 tions (commonly known as the ‘International Traffic
24 in Arms Regulations’) for the export of defense arti-

1 cles or defense services in an aggregate amount of
2 \$100,000,000 or more”;

3 (2) in paragraph (2)—

4 (A) by striking subparagraph (B); and

5 (B) by redesignating subparagraph (C) as
6 subparagraph (B); and

7 (3) in the matter preceding subparagraph (A)
8 of paragraph (5), by inserting “or paragraph (2)”
9 after “paragraph (1)”.

10 **SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL**
11 **ASSISTANCE AND MANUFACTURING LICENS-**
12 **ING AGREEMENTS WITH NATO MEMBER**
13 **COUNTRIES, AUSTRALIA, NEW ZEALAND, AND**
14 **JAPAN.**

15 Section 36(d) (22 U.S.C. 2776(d)) is amended by
16 adding at the end the following:

17 “(6) In the case of a commercial technical assistance
18 or manufacturing license agreement with a member coun-
19 try of the North Atlantic Treaty Organization (NATO)
20 or Australia, Japan, or New Zealand that does not author-
21 ize a new sales territory that includes any country other
22 than such countries, the requirements contained in para-
23 graphs (2) and (4) shall apply only if—

24 “(A) the agreement involves—

1 “(i) major defense equipment in the
2 amount of \$7,000,000 or more; or

3 “(ii) significant military equipment in the
4 amount of \$25,000,000 or more; and

5 “(B) the amount referred to in clause (i) or (ii)
6 of subparagraph (A), as the case may be, includes
7 the estimated value of all defense articles and de-
8 fense services to be manufactured or transferred
9 throughout the duration of the approval period.”.

10 **SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH**
11 **AUSTRALIA AND THE UNITED KINGDOM.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the expeditious consideration of munitions li-
14 cense applications that meet the policy and eligibility cri-
15 teria established in section 38 of the Arms Export Control
16 Act (22 U.S.C. 2778) for export or transfer of defense
17 items (as such term is defined in subsection (j)(4)(A) of
18 such section) to Australia and the United Kingdom is fully
19 consistent with United States security and foreign policy
20 interests and the objectives of world peace and security.

21 (b) ESTABLISHMENT OF FAST TRACK MUNITIONS
22 LICENSING FOR AUSTRALIA AND THE UNITED KING-
23 DOM.—Section 38(f) (22 U.S.C. 2778(f)) is amended by
24 adding at the end the following:

1 “(4) In the absence of a binding bilateral agreement
2 with the Government of Australia or the Government of
3 the United Kingdom (as the case may be) that meets the
4 requirements of paragraph (2) and subsection (j), the Sec-
5 retary of State shall ensure that any application submitted
6 under this section for the export of defense items to Aus-
7 tralia or the United Kingdom (as the case may be) that
8 meets all other requirements of this section (including re-
9 quirements relating to eligibility of parties to the trans-
10 action, the absence of risk of diversion to unauthorized
11 end use and end users, and preservation of United States
12 intelligence and law enforcement interests), and which are
13 also transactions involving defense items that would be ex-
14 empt pursuant to sections 120–130 of title 22, Code of
15 Federal Regulations (commonly known as the ‘Inter-
16 national Traffic in Arms Regulations’) from export licens-
17 ing or other written approvals if such items were items
18 to be exported to Canada, are processed by the Depart-
19 ment of State not later than ten days after the date of
20 receipt of the application without referral to any other
21 Federal department or agency, except on an extraordinary
22 basis upon receipt of a written request from the Attorney
23 General, the Secretary of Homeland Security, the Director
24 of Central Intelligence, or the Secretary of Defense.”.

1 **SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSI-**
2 **NESSES.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that it is increasingly important that the Secretary,
5 in administering the licensing, registration, compliance,
6 and other authorities contained in section 38 of the Arms
7 Export Control Act (22 U.S.C. 2778), should provide up-
8 to-date training and other educational assistance to small
9 businesses in the United States aerospace and defense in-
10 dustrial sector.

11 (b) SMALL BUSINESS LIAISON.—Not later than 180
12 days after the date of the enactment of this Act, the Sec-
13 retary shall designate, within the Office of Defense Trade
14 Controls of the Department of State, a coordinator for
15 small business affairs. The coordinator shall serve as a
16 liaison for small businesses in the United States aerospace
17 and defense industrial sector with respect to licensing and
18 registration requirements in order to facilitate the compli-
19 ance and other forms of participation by such small busi-
20 nesses in the United States munitions control system, in-
21 cluding by providing training, technical assistance, and
22 through other efforts as may be appropriate.

1 **SEC. 1206. STUDY AND REPORT RELATING TO CO-LOCATING**
2 **MUNITIONS CONTROL FUNCTIONS OF THE**
3 **DEPARTMENTS OF STATE, DEFENSE, AND**
4 **HOMELAND SECURITY.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the administrative, licensing, and compliance-
7 related functions associated with the export of defense ar-
8 ticles and defense services under section 38 of the Arms
9 Export Control Act (22 U.S.C. 2778), which are generally
10 administered by the Department of State in conjunction
11 with the Department of Homeland Security and the De-
12 partment of Defense, should be expedited consistent with
13 United States security, law enforcement, and foreign pol-
14 icy requirements by a reduction in the those matters ne-
15 cessitating inter-agency referral outside of the Depart-
16 ment of State, or by co-locating related functions of the
17 Department of Homeland Security and the Department
18 of Defense with those functions of the Department of
19 State in order to minimize the time and administrative
20 tasks to government and industry involved in inter-agency
21 referrals, while also providing a convenient, central loca-
22 tion for United States defense companies, especially small
23 businesses.

24 (b) STUDY AND REPORT.—

25 (1) STUDY.—The Secretary, in consultation
26 with the Secretary of Homeland Security and the

1 Secretary of Defense, and through the Federal advi-
2 sory committee structure with the public, shall con-
3 duct a study to examine the relative advantages and
4 disadvantages to the United States Government, the
5 United States defense industry, including United
6 States small businesses, and to other public constitu-
7 encies of co-locating relevant functions and per-
8 sonnel of the Department of State, the Department
9 of Homeland Security, and the Department of De-
10 fense with the Office of Defense Trade Controls of
11 the Department of State at a central location con-
12 venient to the public and United States defense in-
13 dustry, without prejudice to the responsibilities and
14 prerogatives of the Secretary, the Secretary of
15 Homeland Security, and the Secretary of Defense
16 under existing law.

17 (2) REPORT.—Not later than 180 days after
18 the date of the enactment of this Act, the Secretary
19 shall prepare and submit to the appropriate congress-
20 sional committees a report that contains the results
21 of study conducted under paragraph (1).

1 **TITLE XIII—SECURITY ASSIST-**
2 **ANCE AND RELATED PROVI-**
3 **SIONS**

4 **Subtitle A—Foreign Military Sales**
5 **and Financing Authorities**

6 **SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Presi-
8 dent for grant assistance under section 23 of the Arms
9 Export Control Act (22 U.S.C. 2763) and for the subsidy
10 cost, as defined in section 502(5) of the Federal Credit
11 Reform Act of 1990, of direct loans under such section
12 \$4,414,000,000 for fiscal year 2004.

13 **SEC. 1302. PROVISION OF CATALOGING DATA AND SERV-**
14 **ICES.**

15 Section 21(h)(2) (22 U.S.C. 2761(h)(2)) is amended
16 by striking “or to any member government of that Organi-
17 zation if that Organization or member government” and
18 inserting “, to any member of that Organization, or to
19 the Governments of Australia, New Zealand, or Japan if
20 that Organization, member government, or the Govern-
21 ments of Australia, New Zealand, or Japan”.

22 **SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR**
23 **SALES PROGRAM.**

24 Section 25(a)(1) (22 U.S.C. 2765(a)(1)) is amended
25 by inserting after “\$7,000,000 or more” the following

1 “(or, in the case of a member country of the North Atlan-
2 tic Treaty Organization (NATO), Australia, New Zealand,
3 or Japan, \$25,000,000 or more)”.

4 **SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION RE-**
5 **QUIREMENT FOR TRANSFER OF CERTAIN EX-**
6 **CESS DEFENSE ARTICLES.**

7 Section 516(f)(1) of the Foreign Assistance Act of
8 1961 (22 U.S.C. 2321i) is amended by striking “signifi-
9 cant military equipment (as defined in section 47(9) of
10 the Arms Export Control Act)” and inserting “major de-
11 fense equipment (as defined in section 47(6) of the Arms
12 Export Control Act)”.

13 **Subtitle B—International Military**
14 **Education and Training**

15 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Presi-
17 dent \$91,700,000 for fiscal year 2004 to carry out chapter
18 5 of part II of the Foreign Assistance Act of 1961 (22
19 U.S.C. 2347 et seq.).

20 **SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORT-**
21 **ING.**

22 Section 656(a)(1) of the Foreign Assistance Act of
23 1961 (22 U.S.C. 2416(a)(1)) is amended—

24 (1) by striking “January 31” and inserting
25 “March 1”; and

1 (2) by striking “and all such training proposed
2 for the current fiscal year”.

3 **SEC. 1313. CONDITION ON THE PROVISION OF CERTAIN**
4 **FUNDS TO INDONESIA.**

5 (a) **CONDITION ON ASSISTANCE.**—Subject to sub-
6 section (c), no funds made available under section 23 of
7 the Arms Export Control Act (22 U.S.C. 2763) or chapter
8 5 of part II of the Foreign Assistance Act of 1961 (22
9 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds
10 made available for expanded military education and train-
11 ing under such chapter, may be available for a program
12 that involves the Government of Indonesia or the Indo-
13 nesian Armed Forces until the President makes the certifi-
14 cation described in subsection (b).

15 (b) **CERTIFICATION.**—The certification referred to in
16 subsection (a) is a certification submitted by the President
17 to the appropriate congressional committees that the Gov-
18 ernment of Indonesia and the Indonesian Armed Forces
19 are taking effective measures, including cooperating with
20 the Director of the Federal Bureau of Investigation—

21 (1) to conduct a full investigation of the attack
22 on United States citizens in West Papua, Indonesia
23 on August 31, 2002; and

24 (2) to criminally prosecute the individuals re-
25 sponsible for such attack.

1 (c) LIMITATION.—Nothing in this section shall pro-
2 hibit the United States Government from continuing to
3 conduct programs or training with the Indonesian Armed
4 Forces, including counterterrorism training, officer visits,
5 port visits, or educational exchanges that are being con-
6 ducted on the date of the enactment of this Act.

7 **Subtitle C—Assistance for Select**
8 **Countries**

9 **SEC. 1321. ASSISTANCE FOR ISRAEL.**

10 Section 513 of the Security Assistance Act of 2000
11 (Public Law 106–280) is amended—

12 (1) in subsection (b)(1), by striking “2002 and
13 2003” and inserting “2003 through 2005”;

14 (2) in subsection (c)(1), by striking “2002 and
15 2003” and inserting “2003 through 2005”;

16 (3) in subsection (c)(3)—

17 (A) by striking “fiscal years 2002 and
18 2003” and inserting “fiscal years 2004 and
19 2005”;

20 (B) by striking “fiscal year 2002” and in-
21 serting “fiscal year 2004”; and

22 (C) by striking “fiscal year 2003, or” and
23 inserting “fiscal year 2005, or”; and

24 (4) in subsection (c)(4)—

1 (A) by striking “2002 and 2003” and in-
2 serting “2003 through 2005”; and

3 (B) by striking “\$535,000,000 for fiscal
4 year 2002” and all that follows through “fiscal
5 year 2003” and inserting “\$550,000,000 for
6 fiscal year 2003, not less than \$565,000,000
7 for fiscal year 2004, and not less than
8 \$580,000,000 for fiscal year 2005”.

9 **SEC. 1322. ASSISTANCE FOR EGYPT.**

10 Section 514 of the Security Assistance Act of 2000
11 (Public Law 106–280) is amended—

12 (1) by striking “2002 and 2003” each place it
13 appears and inserting “2003 through 2005”; and

14 (2) in subsection (e)—

15 (A) by striking “fiscal years 2002 and
16 2003” and inserting “fiscal years 2004 and
17 2005”;

18 (B) by striking “fiscal year 2002” and in-
19 serting “fiscal year 2004”; and

20 (C) by striking “fiscal year 2003, or” and
21 inserting “fiscal year 2005, or”.

1 **Subtitle D—Miscellaneous**
2 **Provisions**

3 **SEC. 1331. UNITED STATES WAR RESERVE STOCKPILES FOR**
4 **ALLIES.**

5 Section 514(b)(2) of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2321h(b)(2)) is amended—

7 (1) in subparagraph (A), by striking “for fiscal
8 year 2003” and inserting “for each of fiscal years
9 2003 and 2004”; and

10 (2) in subparagraph (B), by striking “for fiscal
11 year 2003” and inserting “for each of fiscal years
12 2003 and 2004”.

13 **SEC. 1332. TRANSFER TO ISRAEL OF CERTAIN DEFENSE AR-**
14 **TICLES IN THE UNITED STATES WAR RE-**
15 **SERVE STOCKPILES FOR ALLIES.**

16 (a) **AUTHORIZATION.**—Notwithstanding section 514
17 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
18 the President is authorized to transfer to Israel, in return
19 for concessions to be negotiated by the Secretary of De-
20 fense, with the concurrence of the Secretary, defense arti-
21 cles, including armor, artillery, ammunition for automatic
22 weapons, missiles, and other munitions that are—

23 (1) obsolete or surplus items;

24 (2) in the inventory of the Department of De-
25 fense;

1 (3) intended for use as reserve stocks in Israel;
2 and

3 (4) are located in a stockpile in Israel as of the
4 date of enactment of this Act.

5 (b) CONCESSIONS.—The value of concessions nego-
6 tiated pursuant to subsection (a) shall be at least equal
7 to the fair market value of the items transferred. The con-
8 cessions may include cash compensation, services, waiver
9 of charges otherwise payable by the United States, and
10 other items of value.

11 (c) ADVANCE NOTIFICATION OF TRANSFER.—

12 (1) IN GENERAL.—Not less than 30 days before
13 making a transfer under the authority of this sec-
14 tion, the President shall transmit a notification de-
15 scribing the items to be transferred to Israel and the
16 concessions to be received by the United States to
17 the congressional committees specified in paragraph
18 (2).

19 (2) CONGRESSIONAL COMMITTEES SPECI-
20 FIED.—The congressional committees referred to in
21 paragraph (1) are—

22 (A) the Committee on International Rela-
23 tions and the Committee on Armed Services of
24 the House of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee on Armed Services of the
3 Senate.

4 (d) EXPIRATION OF AUTHORITY.—No transfer may
5 be made under the authority of this section following the
6 expiration of the five-year period beginning on the date
7 of enactment of this Act.

8 **SEC. 1333. EXPANSION OF AUTHORITIES FOR LOAN OF MA-**
9 **TERIAL, SUPPLIES, AND EQUIPMENT FOR RE-**
10 **SEARCH AND DEVELOPMENT PURPOSES.**

11 Section 65 (22 U.S.C. 2796d) is amended—

12 (1) in subsection (a)(1), by inserting “or a
13 friendly foreign country” after “ally” each place
14 such term appears; and

15 (2) in subsection (d) to read as follows:

16 “(d) For purposes of this section—

17 “(1) the term ‘NATO ally’ means a member
18 country of the North Atlantic Treaty Organization
19 (other than the United States); and

20 “(2) the term ‘friendly foreign country’ means
21 any non-NATO member country determined by the
22 President to be eligible for a cooperative project
23 agreement with the United States pursuant to sec-
24 tion 27(j) of this Act.”.

1 **SEC. 1334. ASSISTANCE FOR DEMINING AND RELATED AC-**
2 **TIVITIES.**

3 (a) ASSISTANCE.—The Secretary is authorized to
4 provide grants to, or enter into contracts or cooperative
5 agreements with, public-private partnerships for the pur-
6 pose of establishing and carrying out demining, clearance
7 of unexploded ordnance, and related activities in foreign
8 countries.

9 (b) LIMITATION.—Except as otherwise provided, the
10 total amount provided on a grant basis to public-private
11 partnerships under subsection (a) for a fiscal year may
12 not exceed \$450,000.

13 (c) FUNDING.—Amounts made available to carry out
14 “Nonproliferation, Anti-Terrorism, Demining, and Re-
15 lated Programs” for fiscal year 2004 are authorized to
16 be made available to carry out this section.

17 **SEC. 1335. REPORTS RELATING TO TREATY BETWEEN THE**
18 **UNITED STATES AND THE RUSSIAN FEDERA-**
19 **TION ON STRATEGIC OFFENSIVE REDUC-**
20 **TIONS.**

21 The President shall submit to the Committee on
22 International Relations of the House of Representatives
23 all reports submitted to the Committee on Foreign Rela-
24 tions pursuant to section 2 of the Senate Resolution of
25 Ratification to Accompany Treaty Document 107–8,

1 Treaty Between the United States of America and the
2 Russian Federation on Strategic Offensive Reductions.

3 **SEC. 1336. STATEMENT OF HOUSE OF REPRESENTATIVES**
4 **REGARDING THE TREATY BETWEEN THE**
5 **UNITED STATES AND THE RUSSIAN FEDERA-**
6 **TION ON STRATEGIC OFFENSIVE REDUC-**
7 **TIONS.**

8 The House of Representatives—

9 (1) concurs with the declarations of the
10 Senate in section 3 of the Resolution of Ratifi-
11 cation to Accompany Treaty Document 107–8,
12 Treaty Between the United States of America
13 and the Russian Federation on Strategic Offen-
14 sive Reductions;

15 (2) encourages the President to continue
16 strategic offensive reductions to the lowest pos-
17 sible levels consistent with national security re-
18 quirements and alliance obligations of the
19 United States;

20 (3) urges the President to engage the Rus-
21 sian Federation with the objectives of estab-
22 lishing cooperative measures to give each party
23 to the Treaty Between the United States of
24 America and the Russian Federation on Stra-
25 tegic Offensive Reductions improved confidence

1 regarding the accurate accounting and security
2 of nonstrategic nuclear weapons maintained by
3 the other party; and

4 (4) encourages the President to accelerate
5 United States strategic force reductions, to the
6 extent feasible and consistent with the treaty, in
7 order that the reductions required by Article I
8 of the Treaty Between the United States of
9 America and the Russian Federation on Stra-
10 tegic Offensive Reductions may be achieved
11 prior to December 31, 2012.

12 **SEC. 1337. NONPROLIFERATION AND DISARMAMENT FUND.**

13 (a) **AUTHORIZATION OF APPROPRIATIONS.—**

14 (1) **IN GENERAL.—**There are authorized to be
15 appropriated to the President to carry out section
16 504 of the Freedom for Russia and Emerging Eur-
17 asian Democracies and Open Markets Support Act
18 of 1992 (22 U.S.C. 5854; relating to the “Non-
19 proliferation and Disarmament Fund”) \$60,000,000
20 for each of the fiscal years 2004 and 2005.

21 (2) **AVAILABILITY.—**Amounts appropriated pur-
22 suant to the authorization of appropriations under
23 paragraph (1) are authorized to remain available
24 until expended.

1 (b) NONPROLIFERATION OF HIGHLY ENRICHED
2 URANIUM.—

3 (1) FINDINGS.—Congress finds the following:

4 (A) Highly enriched uranium is the most
5 likely source material for terrorist or other out-
6 law organizations that seek to acquire a nuclear
7 weapon.

8 (B) Such organizations are not likely to
9 produce this source material on their own, but
10 will instead look to divert highly enriched ura-
11 nium from some of the many vulnerable stock-
12 piles in numerous facilities around the world.

13 (C) There is a need for a coordinated
14 United States Government initiative to secure
15 and dispose of highly enriched uranium stock-
16 piles in these vulnerable facilities around the
17 world.

18 (D) The Nonproliferation and Disar-
19 mament Fund (NDF) is a unique and flexible
20 entity that is well-suited to carry out the initia-
21 tive described in subparagraph (C), in coopera-
22 tion with other Federal departments and agen-
23 cies, including the Department of Energy.

24 (2) INITIATIVE.—The Secretary of State is au-
25 thorized to establish and carry out an initiative to

1 secure and dispose of highly enriched uranium stock-
2 piles in foreign countries, including the provision of
3 such assistance as may be required to secure host
4 country cooperation under the initiative.

5 (3) AUTHORIZATION OF APPROPRIATIONS.—Of
6 the amounts made available to carry out section 504
7 of the Freedom for Russia and Emerging Eurasian
8 Democracies and Open Markets Support Act of
9 1992 (22 U.S.C. 5854) for fiscal years 2004 and
10 2005, there are authorized to be appropriated to the
11 Secretary to carry out paragraph (2) \$25,000,000
12 for each such fiscal year.

13 **SEC. 1338. MARITIME INTERDICTION PATROL BOATS FOR**
14 **MOZAMBIQUE.**

15 (a) IN GENERAL.—Of the amounts made available to
16 carry out section 23 of the Arms Export Control Act for
17 fiscal year 2004, there is authorized to be appropriated
18 \$1,000,000 for refurbishment, delivery, operational train-
19 ing, and related costs associated with the provision of not
20 more than four excess coastal patrol boats to the Govern-
21 ment of Mozambique for maritime patrol and interdiction
22 activities.

23 (b) AVAILABILITY.—Amounts appropriated pursuant
24 to the authorization of appropriations under subsection (a)

1 are authorized to remain available until September 30,
2 2006.

3 **SEC. 1339. REPORT ON MISSILE DEFENSE COOPERATION.**

4 Not later than December 31, 2003, and December
5 31, 2004, the Secretary of State shall submit to the appro-
6 priate congressional committees a report on cooperative ef-
7 forts that have been undertaken by the United States with
8 foreign governments to foster the development and deploy-
9 ment of defenses against missile attack. Such report shall
10 include a detailed description of such efforts on a country-
11 by-country basis, and may be submitted in classified and
12 unclassified form, as appropriate.

13 **SEC. 1340. IRAN'S PROGRAM TO DEVELOP A NUCLEAR EX-**
14 **PLOSIVE DEVICE.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) Iran, as a party to the Treaty on the Non-
17 Proliferation of Nuclear Weapons, has legally for-
18 sworn developing or acquiring nuclear weapons.

19 (2) Iran has for more than a decade pursued a
20 program aimed at the development of a nuclear ex-
21 plosive device.

22 (3) Director of Central Intelligence George
23 Tenet has repeatedly warned of Iran's clandestine
24 efforts to acquire weapons of mass destruction, stat-
25 ing as recently as February 11, 2003, in testimony

1 before Congress that “Iran is continuing to pursue
2 development of a nuclear fuel cycle for civilian and
3 nuclear weapons purposes . . . [and further that]
4 Tehran may be able to indigenously produce enough
5 fissile material for a nuclear weapon” within this
6 decade.

7 (4) On March 17, 2003, Dr. el Baradei, Direc-
8 tor General of the International Atomic Energy
9 Agency (IAEA), called on Iran to agree to a more
10 intrusive monitoring regime at its nuclear sites and
11 demanded that Iran, which is a signatory to the Nu-
12 clear Non-Proliferation Treaty, agree to an “addi-
13 tional protocol” under the IAEA’s nuclear inspection
14 rights, which would enable more intrusive moni-
15 toring.

16 (5) In early 2003 Iran announced plans to mine
17 its own natural uranium and admitted constructing
18 two nuclear facilities, one a gas centrifuge uranium
19 enrichment facility and the other a heavy water pro-
20 duction plant.

21 (6) A uranium enrichment facility would give
22 Iran the capability to indigenously produce nuclear-
23 weapons grade uranium. Further, heavy water is
24 used in reactors that not only produce weapons-

1 grade plutonium, but also tritium, a key ingredient
2 in boosted-fission weapons.

3 (7) At the same time, Iran has been developing
4 long-range missiles that could deliver nuclear explo-
5 sive devices. Director of Central Intelligence Tenet
6 has warned that Iran could flight test an interconti-
7 nental ballistic missile later this decade.

8 (8) Iran has received considerable assistance in
9 its nuclear program and in its missile development
10 program from the Russian Federation, the People's
11 Republic of China, and North Korea.

12 (9) Congress has long been seized with finding
13 ways to deter or delay Iran's acquisition or develop-
14 ment of such deadly weapons, including through the
15 enactment of the Iran-Iraq Arms Non-Proliferation
16 Act of 1992, the Iran Libya Sanctions Act of 1996,
17 the Iran Non-Proliferation Act of 2000, and the
18 Iran Nuclear Proliferation Prevention Act of 2002.

19 (10) Successive Administrations have similarly
20 sought to deter or delay Iran's acquisition or devel-
21 opment of such weapons by such measures as ele-
22 vating Iran's proliferation behavior in bilateral rela-
23 tions with the Russian Federation and the People's
24 Republic of China, sanctioning entities of the Rus-
25 sian Federation providing technology or expertise to

1 Iran’s nuclear and missile programs, and urging
2 multilateral export control regimes to deny sensitive
3 technology to proliferators like Iran.

4 (11) President Bush included Iran as one of the
5 countries that comprise the “axis of evil” in his Jan-
6 uary 2002 State of the Union Address because of its
7 efforts to develop weapons of mass destruction and
8 its support of international terrorism. Iran has been
9 the principle supporter and supplier to Hizballah in
10 southern Lebanon, Hamas, and Islamic Jihad. Fur-
11 ther, the leaders of Iran have publicly called for the
12 destruction of the State of Israel.

13 (12) A nuclear-armed Iran would pose a grave
14 threat to the national security of the United States
15 and to our allies in the region.

16 (b) STATEMENT OF POLICY.—Congress—

17 (1) finds that Iran’s support of terrorism and
18 its efforts to develop nuclear weapons are a grave
19 threat to the national security of the United States
20 and its allies and to the United States Armed
21 Forces;

22 (2) declares that the United States and our
23 friends and allies must make maximum efforts to
24 prevent Iran from developing or acquiring nuclear
25 weapons and the missiles to deliver them;

1 (3) urges the President to use all appropriate
2 means to prevent Iran from gaining such capabili-
3 ties;

4 (4) urges the International Atomic Energy
5 Agency (IAEA) to employ the full range of its in-
6 spection authorities to ensure that Iran’s nuclear
7 program is used for peaceful purposes only;

8 (5) encourages Iran to sign and ratify the new
9 nuclear safeguards protocol, the “Model Additional
10 Protocol (INFCIRC/540-Corr)” to the Treaty on the
11 Non-Proliferation of Nuclear Weapons, which would
12 demonstrate Iran’s commitment to sharing informa-
13 tion about its nuclear program with the IAEA and
14 the international community and to full disclosure
15 and transparency about its nuclear program; and

16 (6) urges the United States resident representa-
17 tive to the IAEA to work with the Board of Gov-
18 ernors of the IAEA on guidelines for early identifica-
19 tion of noncompliance with the Nuclear Non-Pro-
20 liferation Treaty.

21 **TITLE XIV—MISSILE THREAT**
22 **REDUCTION ACT OF 2003**

23 **SEC. 1401. SHORT TITLE.**

24 This title may be cited as the “Missile Threat Reduc-
25 tion Act of 2003”.

1 **Subtitle A—Strengthening Inter-**
2 **national Missile Nonprolifera-**
3 **tion Law**

4 **SEC. 1411. FINDINGS.**

5 Congress makes the following findings:

6 (1) The spread of offensive ballistic missiles
7 suitable for launching nuclear, chemical, and biologi-
8 cal warheads is accelerating across the globe.

9 (2) According to the Carnegie Endowment for
10 International Peace, more than 25 countries possess
11 missiles with ranges in excess of 300 kilometers and
12 capable of delivering a nuclear warhead.

13 (3)(A) Many of the countries now possessing
14 such missiles, and engaging in the sale and transfer
15 of such missiles and their production technology to
16 other countries, are directly hostile to the United
17 States, its interests, and its allies.

18 (B) Of particular concern in this regard is
19 North Korea, which regularly sells ballistic missiles
20 and technology to countries in regions of instability
21 and concern to the United States.

22 (4) The Central Intelligence Agency has stated
23 in its most recent report on the foreign ballistic mis-
24 sile threat the following:

1 “Emerging ballistic missile states continue
2 to increase the range, reliability, and accuracy
3 of the missile systems in their inventories—pos-
4 ing ever greater risks to U.S. forces, interests,
5 and allies throughout the world. A decade ago,
6 U.S. and allied forces abroad faced threats
7 from SRBM’s [Short Range Ballistic Mis-
8 siles]—primarily the Scud and its variants.
9 Today, countries have deployed or are on the
10 verge of deploying MRBM’s [Medium Range
11 Ballistic Missiles], placing greater numbers of
12 targets at risk.

13 “Proliferation of ballistic missile-related
14 technologies, materials, and expertise—espe-
15 cially by Russian, Chinese, and North Korean
16 entities—has enabled emerging missile states to
17 accelerate the development timelines for their
18 existing programs, acquire turnkey systems to
19 gain previously non-existent capabilities—in the
20 case of the Chinese sale of the M-11 SRBM to
21 Pakistan—and lay the groundwork for the ex-
22 pansion of domestic infrastructures to poten-
23 tially accommodate even more capable and
24 longer range future systems.”.

1 (5) The same CIA report also noted the fol-
2 lowing: “North Korea has assumed the role as the
3 missile and manufacturing technology source for
4 many programs. North Korean willingness to sell
5 complete systems and components has enabled other
6 states to acquire longer range capabilities earlier
7 than otherwise would have been possible—notably
8 the sale of the No Dong MRBM to Pakistan. The
9 North also has helped countries to acquire tech-
10 nologies to serve as the basis for domestic develop-
11 ment efforts—as with Iran’s reverse-engineering of
12 the No Dong in the Shahab-3 program. Meanwhile,
13 Iran is expanding its efforts to sell missile tech-
14 nology.”.

15 (6) Since 1987, 33 countries have committed to
16 abide by a voluntary set of guidelines known as the
17 Missile Technology Control Regime (MTCR), where-
18 by adherents agreed to refrain from the transfer to
19 nonadherents of certain categories of whole missiles,
20 their constituent parts, and the facilities to manu-
21 facture them, especially “Category I” missiles, which
22 at a range of 300 kilometers or more and a payload
23 capacity of 500 kilograms or more are especially
24 suited for delivering nuclear weapons.

1 (7) In October 2002, 93 countries committed to
2 observe a nonbinding code of conduct derived from,
3 but less restrictive than, the nonbinding MTCR.
4 While this is a welcome achievement, it does not pro-
5 vide a legal obligation on its adherents to refrain
6 from the trade in missiles or missile technology.

7 (8) On December 10, 2002, the White House
8 released its “National Strategy to Combat Weapons
9 of Mass Destruction”, wherein it is stated that
10 strengthening international nonproliferation controls
11 on weapons of mass destruction (WMD) and upon
12 the missiles that can deliver them is the second of
13 three principal pillars of the National Strategy. The
14 National Strategy also states that “effective inter-
15 diction is a critical part of the U.S. strategy to com-
16 bat WMD and their delivery means”.

17 (9) On December 11, 2002, the United States
18 took control of an unflagged freighter that was at-
19 tempting clandestinely to ship, from North Korea to
20 Yemen, SCUD missiles of a type that would be gen-
21 erally prohibited from transfer as Category I mis-
22 siles.

23 (10) Neither North Korea nor Yemen is an ad-
24 herent to the MTCR guidelines, which in any case
25 are not legally binding, and there is no binding

1 international legal instrument that would prohibit
2 shipments of the missiles referred to in paragraph
3 (9).

4 (11) At Yemen's request, the United States re-
5 leased the shipment of North Korean Scud missiles
6 to Yemen.

7 (12) Also on December 11, 2002, the White
8 House press spokesman stated that existing inter-
9 national law regarding halting the spread of missile
10 proliferation could be strengthened. The new Na-
11 tional Strategy to Combat Weapons of Mass De-
12 struction also commits the United States to support
13 those regimes that are currently in force, and to
14 work to improve the effectiveness of, and compliance
15 with, those regimes, and identifies the MTCR as a
16 regime that the United States will seek to strenght-
17 en.

18 (13) Secretary of Defense Donald Rumsfeld,
19 testifying on February 12, 2003, before the Com-
20 mittee on Armed Services of the Senate, stated the
21 following: "...[I]t's pretty clear that the prolifera-
22 tion regimes that exist in the world worked pretty
23 well before, [but] they're not working very well right
24 now.... [U]nless the world wakes up and says this
25 is a dangerous thing and creates a set of regimes

1 that will in fact get cooperation to stop those weap-
2 ons, we're going to be facing a very serious situation
3 in the next five years.”.

4 (14) The MTCR has made an invaluable con-
5 tribution to restraint in the international trade of of-
6 fensive ballistic missiles. Strengthening international
7 controls on ballistic missiles, however, will require a
8 dramatic expansion of adherents that rigorously
9 abide by the MTCR's guidelines, and a binding legal
10 basis for the United Nations and countries devoted
11 to nonproliferation to prevent, and when necessary
12 act to prevent, further proliferation of offensive
13 ballistic missiles around the world.

14 (15) Therefore, it should be the policy of the
15 United States to promote the creation of new inter-
16 national mechanisms that would, in all future cir-
17 cumstances, allow the peace-loving and law-abiding
18 nations of the world the authority to interdict and
19 prevent the transfer of such missiles.

20 **SEC. 1412. POLICY OF THE UNITED STATES.**

21 It shall be the policy of the United States to seek
22 a binding international instrument or instruments to re-
23 strict the trade in offensive ballistic missiles with ranges
24 of 300 kilometers or more that have a payload capacity
25 of 500 kilograms or more. Such a binding international

1 instrument may take the form of a multilateral treaty, a
2 United Nations Security Council resolution, or other in-
3 strument of international law, and should provide for en-
4 forcement measures including interdiction, seizure, and
5 impoundment of illicit shipments of offensive ballistic mis-
6 siles and related technology, equipment, and components.

7 **SEC. 1413. SENSE OF CONGRESS.**

8 It is the sense of the Congress that the United States
9 should immediately introduce a resolution in the United
10 Nations Security Council to prohibit all members of the
11 United Nations from purchasing, receiving, assisting or al-
12 lowing the transfer of, and to authorize the subsequent
13 interdiction, seizure, and impoundment of, any missile,
14 missile-related equipment, means of producing missiles, or
15 missile-related technology from North Korea.

16 **Subtitle B—Strengthening United**
17 **States Missile Nonproliferation**
18 **Law**

19 **SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PER-**
20 **SONS.**

21 (a) **IN GENERAL.**—Notwithstanding any other provi-
22 sion of law, upon the expiration, or the granting of a waiv-
23 er, on or after January 1, 2003, of sanctions against a
24 foreign person imposed under section 73(a) of the Arms
25 Export Control Act (22 U.S.C. 2797b(a)) or under section

1 11B(b)(1) of the Export Administration Act of 1979 (50
2 U.S.C. App. 2410b(b)(1)), as continued in effect under
3 the International Emergency Economic Powers Act, a li-
4 cense shall be required, for a period of not less than 3
5 years, for the export to that foreign person of all items
6 controlled for export under section 5 or 6 of the Export
7 Administration Act of 1979 (50 U.S.C. App. 2404, 2405),
8 as continued in effect under the International Emergency
9 Economic Powers Act, in accordance with the Export Ad-
10 ministration Regulations.

11 (b) TERMINATION.—Subsection (a) shall not apply to
12 a foreign person 30 days after the President notifies the
13 Committee on International Relations of the House of
14 Representatives and the Committee on Banking, Housing,
15 and Urban Affairs and the Committee on Foreign Rela-
16 tions of the Senate that he has determined that—

17 (1) the foreign person has—

18 (A) ceased all activity related to the origi-
19 nal imposition of sanctions under section 73(a)
20 of the Arms Export Control Act or section
21 11B(b)(A) of the Export Administration Act of
22 1979, as the case may be; and

23 (B) has instituted a program of trans-
24 parency measures whereby the United States
25 will be able to verify for at least a period of 3

1 years that the foreign person is not engaging in
2 prohibited activities under those provisions of
3 law referred to in paragraph (1); and

4 (2) there has been an appropriate resolution of
5 the original violation or violations, such as financial
6 penalties, incarceration, destruction of prohibited
7 items, or other appropriate measures taken to pre-
8 vent a recurrence of the violation or violations.

9 **SEC. 1422. STRENGTHENING UNITED STATES MISSILE PRO-**
10 **LIFERATION SANCTIONS ON FOREIGN PER-**
11 **SONS.**

12 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2)
13 (22 U.S.C. 2797b(a)(2)) is amended by striking “2 years”
14 each place it appears and inserting “4 years”.

15 (b) PUBLIC INFORMATION.—Section 73(e)(2) (22
16 U.S.C. 2797b(e)(2)) is amended by adding at the end the
17 following new sentence: “Such report may be classified
18 only to the extent necessary to protect intelligence sources
19 and methods. If the report is so classified, the President
20 shall make every effort to acquire sufficient alternative in-
21 formation that would allow a subsequent unclassified
22 version of the report to be issued.”.

23 (c) EXPORT ADMINISTRATION ACT OF 1979.—Any
24 sanction imposed on a foreign person under section
25 11B(b)(1) of the Export Administration Act of 1979 (50

1 U.S.C. App. 2410b(b)(1)), as continued in effect under
2 the International Emergency Economic Powers Act, shall
3 be in effect for a period of 4 years beginning on the date
4 on which the sanction was imposed.

5 (d) APPLICABILITY.—The amendments made by sub-
6 sections (a) and (b) and the provisions of subsection (c)
7 shall apply to all sanctions imposed under section 73(a)
8 of the Arms Export Control Act or section 11B(b)(1) of
9 the Export Administration Act of 1979, as continued in
10 effect under the International Emergency Economic Pow-
11 ers Act, by reason of acts giving rise to such sanctions
12 that were committed by foreign persons on or after Janu-
13 ary 1, 2003.

14 **SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PRO-**
15 **LIFERATION SANCTIONS ON ALL RESPON-**
16 **SIBLE PERSONS.**

17 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)
18 (22 U.S.C. 2797b(a)) is amended by adding at the end
19 the following new paragraph:

20 “(3)(A) Sanctions imposed upon a foreign person
21 under paragraph (2) shall also be imposed on any govern-
22 mental entity that the President determines exercises ef-
23 fective control over, benefits from, or directly or indirectly
24 facilitates the activities of that foreign person.

1 “(B) When a sanction is imposed on a foreign person
2 under paragraph (2), the President may also impose that
3 sanction on any other person or entity that the President
4 has reason to believe has or may acquire items that may
5 not be exported to that foreign person on account of the
6 sanction imposed on that foreign person, with the intent
7 to transfer to that foreign person, or provide to that for-
8 eign person access to, such items.

9 “(C) The President may also prohibit, for such period
10 of time as he may determine, any transaction or dealing,
11 by a United States person or within the United States,
12 with any foreign person on whom sanctions have been im-
13 posed under this subsection.

14 “(D) The President shall report on an annual basis
15 to the Committee on International Relations of the House
16 of Representatives and the Committee on Foreign Rela-
17 tions of the Senate the identity of any foreign person that
18 engages in any transaction or activity with a foreign per-
19 son on whom sanctions have been imposed under this sub-
20 section that either—

21 “(i) would be the basis for imposing sanctions
22 under subparagraph (B) but for which sanctions
23 have not been imposed; or

24 “(ii) would be the basis for imposing sanctions
25 under subparagraph (C) if the transaction or activity

1 had been carried out by a United States person or
2 by a person in the United States.

3 Such report shall be unclassified to the maximum extent
4 feasible, but may include a classified annex.”.

5 (b) DEFINITION OF PERSON.—Section 74(a)(8)(A)
6 (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

7 “(8)(A) the term ‘person’ means—

8 “(i) a natural person;

9 “(ii) a corporation, business association,
10 partnership, society, trust, transnational cor-
11 poration, or transnational joint venture, any
12 other nongovernmental entity, organization, or
13 group, and any governmental entity;

14 “(iii) any subsidiary, subunit, or parent en-
15 tity of any business enterprise or other organi-
16 zation or entity listed in clause (ii); and

17 “(iv) any successor of any business enter-
18 prise or other organization or entity listed in
19 clause (ii) or (iii); and”.

20 (c) EXPORT ADMINISTRATION ACT OF 1979.—

21 (1) SANCTIONS IMPOSED ON GOVERNMENT EN-
22 TITIES.—Any sanction imposed on a foreign person
23 under section 11B(b)(1)(B) of the Export Adminis-
24 tration Act of 1979 (50 U.S.C. App.
25 2410b(b)(1)(B)), as continued in effect under the

1 International Emergency Economic Powers Act (in
2 this subsection referred to as a “dual use sanction”),
3 shall also be imposed on any governmental entity
4 that the President determines exercises effective con-
5 trol over, benefits from, or directly or indirectly fa-
6 cilitates the activities of that foreign person.

7 (2) OTHER ENTITIES.—When a dual use sanc-
8 tion is imposed on a foreign person, the President
9 may also impose that sanction on any other person
10 or entity that the President has reason to believe
11 has or may acquire items that may not be exported
12 to that foreign person on account of the dual use
13 sanction imposed on that foreign person, with the in-
14 tent to transfer to that foreign person, or provide to
15 that foreign person access to, such items.

16 (3) TRANSACTIONS BY THIRD PARTIES.—The
17 President may also prohibit, for such period of time
18 as he may determine, any transaction or dealing, by
19 a United States person or within the United States,
20 with any foreign person on whom dual use sanctions
21 have been imposed.

22 (4) REPORT.—The President shall submit on
23 an annual basis to the appropriate congressional
24 committees a report that contains the identity of any
25 foreign person that engages in any transaction or

1 activity with a foreign person on whom dual use
2 sanctions have been imposed that either—

3 (A) would be the basis for imposing dual
4 use sanctions under paragraph (2) but for
5 which such sanctions have not been imposed; or

6 (B) would be the basis for imposing dual
7 use sanctions under paragraph (3) if the trans-
8 action or activity had been carried out by a
9 United States person or by a person in the
10 United States.

11 Such report shall be unclassified to the maximum
12 extent feasible, but may include a classified annex.

13 (5) DEFINITIONS.—In this subsection:

14 (A) PERSON.—The term “person”
15 means—

16 (i) a natural person;

17 (ii) a corporation, business associa-
18 tion, partnership, society, trust,
19 transnational corporation, or transnational
20 joint venture, any other nongovernmental
21 entity, organization, or group, and any
22 governmental entity;

23 (iii) any subsidiary, subunit, or parent
24 entity of any business enterprise or other

1 organization or entity listed in clause (ii);
2 and

3 (iv) any successor of any business en-
4 terprise or other organization or entity list-
5 ed in clause (ii) or (iii).

6 (B) In the case of countries where it may
7 be impossible to identify a specific governmental
8 entity referred to in subparagraph (A), the
9 term “person” means—

10 (i) all activities of that government re-
11 lating to the development or production of
12 any missile equipment or technology; and

13 (ii) all activities of that government
14 affecting the development or production of
15 aircraft, electronics, and space systems or
16 equipment.

17 (C) UNITED STATES PERSON.—The term
18 “United States person” has the meaning given
19 that term in section 16(2) of the Export Ad-
20 ministration Act of 1979 (50 U.S.C. App.
21 2415(2)).

22 (D) MISSILE EQUIPMENT OR TECH-
23 NOLOGY.—The term “missile equipment or
24 technology” has the meaning given that term in

1 section 11B(e) of the Export Administration
2 Act of 1979 (50 U.S.C. App. 2410b(e)).

3 (d) EFFECTIVE DATE.—The amendments made by
4 subsections (a) and (b) shall apply with respect to sanc-
5 tions imposed on or after January 1, 2003, on foreign per-
6 sons under section 73(a)(2) of the Arms Export Control
7 Act, and the provisions of subsection (c) shall apply with
8 respect to sanctions imposed on or after January 1, 2003,
9 on foreign persons under section 11B(b) of the Export Ad-
10 ministration Act of 1979 (50 U.S.C. App. 2410b(b)), as
11 continued in effect under the International Emergency
12 Economic Powers Act.

13 **Subtitle C—Incentives for Missile** 14 **Threat Reduction**

15 **SEC. 1431. FOREIGN ASSISTANCE.**

16 (a) TYPES OF ASSISTANCE.—The President is au-
17 thorized to provide, on such terms as the President deems
18 appropriate, the following assistance to countries that
19 agree to destroy their ballistic missiles, and their facilities
20 for producing ballistic missiles, that have a payload capac-
21 ity of 500 kilograms or more over a distance of 300 kilo-
22 meters or more:

23 (1) Assistance under section 23 of the Arms
24 Export Control Act (22 U.S.C. 2763).

1 (2) Assistance under chapter 4 of part II of the
2 Foreign Assistance Act of 1961 (22 U.S.C. 2346 et
3 seq.), notwithstanding section 531(e) or 660(a) of
4 that Act (22 U.S.C. 2346(e) or 2420(a)).

5 (3) Drawdown of defense articles, defense serv-
6 ices, and military education and training under sec-
7 tion 506 of the Foreign Assistance Act of 1961 (22
8 U.S.C. 2318).

9 (b) CONGRESSIONAL NOTIFICATION.—Assistance au-
10 thorized under subsection (a) may not be provided until
11 30 days after the date on which the President has pro-
12 vided notice thereof to the appropriate congressional com-
13 mittees in accordance with the procedures applicable to
14 reprogramming notifications under section 634A(a) of the
15 Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).

16 (c) LIMITATION.—Any assistance provided to a coun-
17 try under subsection (a) may not be provided in more than
18 3 fiscal years.

19 **SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AUTHORIZATION.—There is authorized to be ap-
21 propriated to the President to carry out section 1431 the
22 sum of \$250,000,000.

23 (b) AVAILABILITY.—Amounts appropriated pursuant
24 to the authorization of appropriations under subsection (a)
25 are authorized to remain available until expended.

1 **SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN**
2 **MISSILE DISARMAMENT.**

3 The President is authorized to provide technical as-
4 sistance in the destruction of any missile or facility for
5 producing ballistic missiles, in any country that requests
6 such assistance.

7 **TITLE XV—PROMOTION OF DE-**
8 **MOCRACY, HUMAN RIGHTS,**
9 **AND RULE OF LAW IN**
10 **BELARUS**

11 **SEC. 1501. ASSISTANCE TO PROMOTE DEMOCRACY AND**
12 **CIVIL SOCIETY IN BELARUS.**

13 (a) **PURPOSES OF ASSISTANCE.**—The assistance
14 under this section shall be available for the following pur-
15 poses:

16 (1) To assist the people of the Republic of
17 Belarus in regaining their freedom and to enable
18 them to join the European community of democ-
19 racies.

20 (2) To encourage free and fair presidential,
21 parliamentary, and local elections in Belarus, con-
22 ducted in a manner consistent with internationally
23 accepted standards and under the supervision of
24 internationally recognized observers.

25 (3) To assist in restoring and strengthening in-
26 stitutions of democratic governance in Belarus.

1 (b) AUTHORIZATION FOR ASSISTANCE.—To carry out
2 the purposes of subsection (a), the President is authorized
3 to furnish assistance and other support for the activities
4 described in subsection (c), to be provided primarily for
5 indigenous Belarusian groups that are committed to the
6 support of democratic processes.

7 (c) ACTIVITIES SUPPORTED.—Activities that may be
8 supported by assistance under subsection (b) include—

9 (1) the observation of elections and the pro-
10 motion of free and fair electoral processes;

11 (2) development of democratic political parties;

12 (3) radio and television broadcasting to and
13 within Belarus;

14 (4) the development of nongovernmental organi-
15 zations promoting democracy and supporting human
16 rights;

17 (5) the development of independent media
18 working within Belarus and from locations outside
19 the country and supported by nonstate-controlled
20 printing facilities;

21 (6) international exchanges and advanced pro-
22 fessional training programs for leaders and members
23 of the democratic forces in skill areas central to the
24 development of civil society; and

1 (7) other activities consistent with the purposes
2 of this title.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to the President to carry out this sec-
6 tion such sums as may be necessary for fiscal years
7 2004 and 2005.

8 (2) AVAILABILITY OF FUNDS.—Amounts appro-
9 priated pursuant to the authorization of appropria-
10 tions under paragraph (1) are authorized to remain
11 available until expended.

12 **SEC. 1502. RADIO BROADCASTING TO BELARUS.**

13 (a) PURPOSE.—It is the purpose of this section to
14 authorize increased support for United States Government
15 and surrogate radio broadcasting to the Republic of
16 Belarus that will facilitate the unhindered dissemination
17 of information.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
19 tion to such sums as are otherwise authorized to be appro-
20 priated, there is authorized to be appropriated such sums
21 as may be necessary for each fiscal year for Voice of Amer-
22 ica and RFE/RL, Incorporated for radio broadcasting to
23 the people of Belarus in languages spoken in Belarus.

1 **SEC. 1503. SENSE OF CONGRESS RELATING TO SANCTIONS**
2 **AGAINST THE GOVERNMENT OF BELARUS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the sanctions described in subsections (c) and
5 (d) should apply with respect to the Republic of Belarus
6 until the President determines and certifies to the appro-
7 priate congressional committees that the Government of
8 Belarus has made significant progress in meeting the con-
9 ditions described in subsection (b).

10 (b) CONDITIONS.—The conditions referred to in sub-
11 section (a) are the following:

12 (1) The release of individuals in Belarus who
13 have been jailed based on political or religious be-
14 liefs.

15 (2) The withdrawal of politically motivated legal
16 charges against all opposition figures and inde-
17 pendent journalists in Belarus.

18 (3) A full accounting of the disappearances of
19 opposition leaders and journalists in Belarus, includ-
20 ing Victor Gonchar, Anatoly Krasovsky, Yuri
21 Zakharenka, and Dmitry Zavadsky, and the prosecu-
22 tion of those individuals who are responsible for
23 their disappearances.

24 (4) The cessation of all forms of harassment
25 and repression against the independent media, inde-
26 pendent trade unions, nongovernmental organiza-

1 tions, religious organizations (including their leader-
2 ship and members), and the political opposition in
3 Belarus.

4 (5) The implementation of free and fair presi-
5 dential and parliamentary elections in Belarus con-
6 sistent with OSCE standards on democratic elections
7 and in cooperation with relevant OSCE institutions.

8 (c) DENIAL OF ENTRY INTO THE UNITED STATES
9 OF BELARUSIAN OFFICIALS.—The President should use
10 his authority under section 212(f) of the Immigration and
11 Nationality Act (8 U.S.C. 1182(f)) to deny the entry into
12 the United States of any alien who—

13 (1) holds a position in the senior leadership of
14 the Government of Belarus; or

15 (2) is a spouse, minor child, or agent of a per-
16 son inadmissible under paragraph (1).

17 (d) PROHIBITION ON LOANS AND INVESTMENT.—

18 (1) UNITED STATES GOVERNMENT FINANC-
19 ING.—No loan, credit guarantee, insurance, financ-
20 ing, or other similar financial assistance should be
21 extended by any agency of the United States Gov-
22 ernment (including the Export-Import Bank and the
23 Overseas Private Investment Corporation) to the
24 Government of Belarus, except with respect to the

1 provision of humanitarian goods and agricultural or
2 medical products.

3 (2) TRADE AND DEVELOPMENT AGENCY.—No
4 funds available to the Trade and Development Agen-
5 cy should be available for activities of the Agency
6 in or for Belarus.

7 (e) MULTILATERAL FINANCIAL ASSISTANCE.—It is
8 further the sense of Congress that, in addition to the ap-
9 plication of the sanctions described in subsections (c) and
10 (d) to the Republic of Belarus (until the President deter-
11 mines and certifies to the appropriate congressional com-
12 mittees that the Government of Belarus has made signifi-
13 cant progress in meeting the conditions described in sub-
14 section (b)), the Secretary of the Treasury should instruct
15 the United States Executive Director of each international
16 financial institution to which the United States is a mem-
17 ber to use the voice and vote of the United States to op-
18 pose any extension by those institutions of any financial
19 assistance (including any technical assistance or grant) of
20 any kind to the Government of Belarus, except for loans
21 and assistance that serve humanitarian needs.

22 **SEC. 1504. MULTILATERAL COOPERATION.**

23 It is the sense of Congress that the President should
24 continue to seek to coordinate with other countries, par-
25 ticularly European countries, a comprehensive, multilat-

1 eral strategy to further the purposes of this title, includ-
2 ing, as appropriate, encouraging other countries to take
3 measures with respect to the Republic of Belarus that are
4 similar to measures described in this title.

5 **SEC. 1505. REPORT.**

6 (a) REPORT.—Not later than 90 days after the date
7 of enactment of this Act, and every year thereafter, the
8 President shall transmit to the appropriate congressional
9 committees a report that describes, with respect to the
10 preceding 12-month period, the following:

11 (1) The sale or delivery of weapons or weapons-
12 related technologies from the Republic of Belarus to
13 any country, the government of which the Secretary
14 of State has determined, for purposes of section
15 6(j)(1) of the Export Administration Act of 1979
16 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-
17 vided support for acts of international terrorism.

18 (2) An identification of each country described
19 in paragraph (1) and a detailed description of the
20 weapons or weapons-related technologies involved in
21 the sale.

22 (3) An identification of the goods, services,
23 credits, or other consideration received by Belarus in
24 exchange for the weapons or weapons-related tech-
25 nologies.

1 (4) The personal assets and wealth of Alek-
2 sandr Lukashenka and other senior leadership of the
3 Government of Belarus.

4 (b) FORM.—A report transmitted pursuant to sub-
5 section (a) shall be in unclassified form but may contain
6 a classified annex.

7 **SEC. 1506. DEFINITIONS.**

8 In this title:

9 (1) OSCE.—The term “OSCE” means the Or-
10 ganization for Security and Cooperation in Europe.

11 (2) SENIOR LEADERSHIP OF THE GOVERNMENT
12 OF BELARUS.—The term “senior leadership of the
13 Government of Belarus” includes—

14 (A) the President, Prime Minister, Deputy
15 Prime Ministers, government ministers, Chair-
16 men of State Committees, and members of the
17 Presidential Administration of Belarus;

18 (B) any official of the Government of
19 Belarus who is personally and substantially in-
20 volved in the suppression of freedom in Belarus,
21 including judges and prosecutors; and

22 (C) any other individual determined by the
23 Secretary of State (or the Secretary’s designee)
24 to be personally and substantially involved in
25 the formulation or execution of the policies of

1 the Lukashenka regime that are in contradic-
2 tion of internationally recognized human rights
3 standards.

4 **TITLE XVI—ISRAELI-PALES-**
5 **TINIAN PEACE ENHANCE-**
6 **MENT ACT OF 2003**

7 **SEC. 1601. SHORT TITLE.**

8 This title may be cited as the “Israeli-Palestinian
9 Peace Enhancement Act of 2003”.

10 **SEC. 1602. FINDINGS.**

11 Congress makes the following findings:

12 (1) The security of the State of Israel is a
13 major and enduring national security interest of the
14 United States.

15 (2) A lasting peace in the Middle East region
16 can only take root in an atmosphere free of violence
17 and terrorism.

18 (3) The Palestinian people have been ill-served
19 by leaders who, by resorting to violence and ter-
20 rorism to pursue their political objectives, have
21 brought economic and personal hardship to their
22 people and brought a halt to efforts seeking a nego-
23 tiated settlement of the conflict.

1 (4) The United States has an interest in a Mid-
2 dle East in which two states, Israel and Palestine,
3 will live side by side in peace and security.

4 (5) In his speech of June 24, 2002, and in
5 other statements, President George W. Bush out-
6 lined a comprehensive vision of the possibilities of
7 peace in the Middle East region following a change
8 in Palestinian leadership.

9 (6) A stable and peaceful Palestinian state is
10 necessary to achieve the security that Israel longs
11 for, and Israel should take concrete steps to support
12 the emergence of a viable, credible Palestinian state.

13 (7) The Palestinian state must be a reformed,
14 peaceful, and democratic state that abandons forever
15 the use of terror.

16 (8) On April 29, 2003, the Palestinian Legisla-
17 tive Council confirmed in office, by a vote of 51
18 yeas, 18 nays, and 3 abstentions, the Palestinian
19 Authority's first prime minister, Mahmoud Abbas
20 (Abu Mazen), and his cabinet.

21 (9) In his remarks prior to the vote of the Pal-
22 estinian Legislative Council, Mr. Abbas declared:
23 "The government will concentrate on the question of
24 security . . . The unauthorized possession of weap-
25 ons, with its direct threat to the security of the pop-

1 ulation, is a major concern that will be relentlessly
2 addressed . . . There will be no other decision-mak-
3 ing authority except for the Palestinian Authority.”.

4 (10) In those remarks, Mr. Abbas further stat-
5 ed: “We denounce terrorism by any party and in all
6 its forms both because of our religious and moral
7 traditions and because we are convinced that such
8 methods do not lend support to a just cause like
9 ours but rather destroy it.”.

10 (11) Israel has repeatedly indicated its willing-
11 ness to make painful concessions to achieve peace
12 once there is a partner for peace on the Palestinian
13 side.

14 **SEC. 1603. PURPOSES.**

15 The purposes of this title are—

16 (1) to express the sense of Congress with re-
17 spect to United States recognition of a Palestinian
18 state; and

19 (2) to demonstrate United States willingness to
20 provide substantial economic and humanitarian as-
21 sistance, and to support large-scale multilateral as-
22 sistance, after the Palestinians have achieved the re-
23 forms outlined by President Bush and have achieved
24 peace with the State of Israel.

1 **SEC. 1604. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) peace between Israel and the Palestinians
4 cannot be negotiated until the Palestinian system of
5 government has been transformed along the lines
6 outlined in President Bush's June 24, 2002, speech;

7 (2) substantial United States and international
8 economic assistance will be needed after the Pal-
9 estinians have achieved the reforms described in sec-
10 tion 620K(c)(2) of the Foreign Assistance Act of
11 1961 (as added by section 1706 of this Act) and
12 have made a lasting and secure peace with Israel;

13 (3) the Palestinian people merit commendation
14 on the confirmation of the Palestinian Authority's
15 first prime minister, Mahmoud Abbas (Abu Mazen),
16 and his cabinet;

17 (4) the new Palestinian administration urgently
18 should take the necessary security-related steps to
19 allow for implementation of a performance-based
20 road map to resolve the Israeli-Palestinian conflict;

21 (5) the United States Administration should
22 work vigorously toward the goal of two states living
23 side-by-side in peace within secure and internation-
24 ally-recognized boundaries free from threats or acts
25 of force; and

1 (6) the United States has a vital national secu-
2 rity interest in a permanent, comprehensive, and
3 just resolution of the Arab-Israeli conflict, and par-
4 ticularly the Palestinian-Israeli conflict, based on the
5 terms of United Nations Security Council Resolu-
6 tions 242 and 338.

7 **SEC. 1605. RECOGNITION OF A PALESTINIAN STATE.**

8 It is the sense of Congress that a Palestinian state
9 should not be recognized by the United States until the
10 President determines that—

11 (1) a new leadership of a Palestinian governing
12 entity, not compromised by terrorism, has been
13 elected and taken office; and

14 (2) the newly-elected Palestinian governing
15 entity—

16 (A) has demonstrated a firm and tangible
17 commitment to peaceful coexistence with the
18 State of Israel and to ending anti-Israel incite-
19 ment, including the cessation of all officially
20 sanctioned or funded anti-Israel incitement;

21 (B) has taken appropriate measures to
22 counter terrorism and terrorist financing in the
23 West Bank and Gaza, including the dismantling
24 of terrorist infrastructures and the confiscation
25 of unlawful weaponry;

1 (C) has established a new Palestinian secu-
2 rity entity that is fully cooperating with the ap-
3 propriate Israeli security organizations;

4 (D) has achieved exclusive authority and
5 responsibility for governing the national affairs
6 of a Palestinian state, has taken effective steps
7 to ensure democracy, the rule of law, and an
8 independent judiciary, and has adopted other
9 reforms ensuring transparent and accountable
10 governance; and

11 (E) has taken effective steps to ensure that
12 its education system promotes the acceptance of
13 Israel's existence and of peace with Israel and
14 actively discourages anti-Israel incitement.

15 **SEC. 1606. LIMITATION ON ASSISTANCE TO A PALESTINIAN**
16 **STATE.**

17 Chapter 1 of part III of the Foreign Assistance Act
18 of 1961 (22 U.S.C. 2351 et seq.) is amended—

19 (1) by redesignating the second section 620G
20 (as added by section 149 of Public Law 104–164
21 (110 Stat. 1436)) as section 620J; and

22 (2) by adding at the end the following new sec-
23 tion:

1 **“SEC. 620K. LIMITATION ON ASSISTANCE TO A PALES-**
2 **TINIAN STATE.**

3 “(a) LIMITATION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, assistance may be provided under
6 this Act or any other provision of law to the govern-
7 ment of a Palestinian state only during a period for
8 which a certification described in subsection (c) is in
9 effect. The limitation contained in the preceding sen-
10 tence shall not apply (A) to humanitarian or devel-
11 opment assistance that is provided through non-
12 governmental organizations for the benefit of the
13 Palestinian people in the West Bank and Gaza, or
14 (B) to assistance that is intended to reform the Pal-
15 estinian Authority and affiliated institutions, or a
16 newly elected Palestinian governing entity, in order
17 to help meet the requirements contained in subpara-
18 graphs (A) through (H) of subsection (c)(2) or to
19 address the matters described in subparagraphs (A)
20 through (E) of section 1705(2) of the Israeli-Pales-
21 tinian Peace Enhancement Act of 2003.

22 “(2) WAIVER.—The President may waive the
23 limitation of the first sentence of paragraph (1) if
24 the President determines and certifies to the Com-
25 mittee on International Relations of the House of
26 Representatives and the Committee on Foreign Re-

1 lations of the Senate that it is vital to the national
2 interest of the United States to do so.

3 “(b) CONGRESSIONAL NOTIFICATION.—

4 “(1) IN GENERAL.—Assistance made available
5 under this Act or any other provision of law to a
6 Palestinian state may not be provided until 15 days
7 after the date on which the President has provided
8 notice thereof to the Committee on International Re-
9 lations and the Committee on Appropriations of the
10 House of Representatives and to the Committee on
11 Foreign Relations and the Committee on Appropria-
12 tions of the Senate in accordance with the proce-
13 dures applicable to reprogramming notifications
14 under section 634A(a) of this Act.

15 “(2) SUNSET.—Paragraph (1) shall cease to be
16 effective beginning ten years after the date on which
17 notice is first provided under such paragraph.

18 “(c) CERTIFICATION.—A certification described in
19 this subsection is a certification transmitted by the Presi-
20 dent to Congress that—

21 “(1) a binding international peace agreement
22 exists between Israel and the Palestinians that—

23 “(A) was freely signed by both parties;

24 “(B) guarantees both parties’ commitment
25 to a border between two states that constitutes

1 a secure and internationally recognized bound-
2 ary for both states, with no remaining terri-
3 torial claims;

4 “(C) provides a permanent resolution for
5 both Palestinian refugees and Jewish refugees
6 from Arab countries; and

7 “(D) includes a renunciation of all remain-
8 ing Palestinian claims against Israel through
9 provisions that commit both sides to the “end
10 of the conflict”; and

11 “(2) the new Palestinian government—

12 “(A) has been democratically elected
13 through free and fair elections, has exclusive
14 authority and responsibility for governing the
15 national affairs of the Palestinian state, and
16 has achieved the reforms outlined by President
17 Bush in his June 24, 2002, speech;

18 “(B) has completely renounced the use of
19 violence against the State of Israel and its citi-
20 zens, is vigorously attempting to prevent any
21 acts of terrorism against Israel and its citizens,
22 and punishes the perpetrators of such acts in a
23 manner commensurate with their actions;

1 “(C) has dismantled, and terminated the
2 funding of, any group within its territory that
3 conducts terrorism against Israel;

4 “(D) is engaging in ongoing and extensive
5 security cooperation with the State of Israel;

6 “(E) refrains from any officially sanctioned
7 or funded statement or act designed to incite
8 Palestinians or others against the State of
9 Israel and its citizens;

10 “(F) has an elected leadership not com-
11 promised by terror;

12 “(G) is demilitarized; and

13 “(H) has no alliances or agreements that
14 pose a threat to the security of the State of
15 Israel.

16 “(d) RECERTIFICATIONS.—Not later than 90 days
17 after the date on which the President transmits to Con-
18 gress an initial certification under subsection (c), and
19 every 6 months thereafter for the 10-year period beginning
20 on the date of transmittal of such certification—

21 “(1) the President shall transmit to Congress a
22 recertification that the requirements contained in
23 subsection (c) are continuing to be met; or

1 the economy and living conditions of the Palestinians by,
2 among other things, providing for economic development
3 in the West Bank and Gaza, continuing to promote democ-
4 racy and the rule of law, developing water resources, as-
5 sisting in security cooperation between Israelis and Pal-
6 estinians, and helping with the compensation and rehabili-
7 tation of Palestinian refugees.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—Of the
9 amounts made available to carry out chapter 4 of part
10 II of this Act for a fiscal year, there are authorized to
11 be appropriated to the President to carry out subsections
12 (a) and (b) such sums as may be necessary for each such
13 fiscal year.

14 “(d) COORDINATION OF INTERNATIONAL ASSIST-
15 ANCE.—

16 “(1) IN GENERAL.—Beginning on the date on
17 which the President transmits to Congress an initial
18 certification under section 620K(c) of this Act, the
19 Secretary of State shall seek to convene one or more
20 donors conferences to gain commitments from other
21 countries, multilateral institutions, and nongovern-
22 mental organizations to provide economic assistance
23 to Palestinians to ensure that such commitments to
24 provide assistance are honored in a timely manner,
25 to ensure that there is coordination of assistance

1 among the United States and such other countries,
2 multilateral institutions, and nongovernmental orga-
3 nizations, to ensure that the assistance provided to
4 Palestinians is used for the purposes for which is
5 was provided, and to ensure that other countries,
6 multilateral institutions, and nongovernmental orga-
7 nizations do not provide assistance to Palestinians
8 through entities that are designated as terrorist or-
9 ganizations under United States law.

10 “(2) REPORT.—Not later than 180 days after
11 the date of the enactment of this section, and on an
12 annual basis thereafter, the Secretary of State shall
13 prepare and submit to the Committee on Inter-
14 national Relations and the Committee on Appropria-
15 tions of the House of Representatives and the Com-
16 mittee on Foreign Relations and the Committee on
17 Appropriations of the Senate a report that describes
18 the activities undertaken to meet the requirements
19 of paragraph (1), including a description of amounts
20 committed, and the amounts provided, to a Pales-
21 tinian state or Palestinians during the reporting pe-
22 riod by each country and organization.”.

1 **TITLE XVII—ACCESS FOR**
2 **AFGHAN WOMEN**

3 **SEC. 1701. SHORT TITLE.**

4 This title may be cited as the “Access for Afghan
5 Women Act of 2003”.

6 **SEC. 1702. FINDINGS.**

7 Congress makes the following findings:

8 (1) Despite the removal of the Taliban from
9 power, women in Afghanistan continue to experience
10 brutal and frequent violation of their human rights,
11 generally outside of Kabul where warlords are re-
12 exerting control.

13 (2) Strong and continued support from the
14 United States and the international community can
15 ensure that the advances made by Afghan women
16 since the fall of the Taliban will continue and grow,
17 rather than recede.

18 (3) While the United States and the inter-
19 national community continue to make substantial
20 contributions to emergency humanitarian and relief
21 operations in Afghanistan, the establishment of a
22 stable, peaceful, prosperous, and democratic Afghan-
23 istan with a broad-based, multi-ethnic, gender-sen-
24 sitive, and fully representative government requires

1 a significant increase in long-term investments in de-
2 velopment and reconstruction assistance.

3 (4) The maternal mortality rate in Afghanistan
4 is among the highest in the world, with recent re-
5 ports estimating that every 30 minutes an Afghan
6 woman dies of pregnancy related causes, or approxi-
7 mately 15,000 women every year. The estimated ma-
8 ternal mortality rate of 1,600 deaths per 100,000
9 live births can be significantly reduced through ac-
10 cess to primary health care services, including safe
11 birthing supplies, emergency obstetric care, prenatal
12 and postnatal care, contraception, and prevention
13 and treatment for the effects of sexual coercion and
14 rape.

15 (5) Women comprise 75 percent or more of the
16 refugees and internally displaced in camps, urban
17 areas, and villages in Afghanistan.

18 (6) 85 percent of Afghanistan's population lives
19 in rural areas. The women in rural areas perform
20 vital roles in food production, processing, and prepa-
21 ration. Successful reconstruction and development
22 assistance must target rural women as part of any
23 agricultural interventions.

24 (7) Within Afghanistan and outside of Afghani-
25 stan, local women's organizations are delivering crit-

1 ical services and have the knowledge and experience
2 to assist the United States in delivering effective re-
3 lief aid.

4 (8) The Afghan Ministry for Women’s Affairs is
5 an important ministry that is essential for re-estab-
6 lishing women’s human rights, ensuring that women
7 are included in all development efforts, and deliv-
8 ering critical legal, health, education, and economic
9 services to women throughout Afghanistan’s 30
10 provinces.

11 (9) Afghan women are taking the initiative to
12 reach across the conflict divide and foster peace.
13 Women’s perspectives and experiences in seeking so-
14 lutions to conflicts are necessary to ensure lasting
15 peace.

16 (10) The inadequate security situation in Af-
17 ghanistan disproportionately impacts women and
18 girls as the lack of rule of law results in the frequent
19 assault, kidnapping, and sexual abuse of Afghan
20 women and girls throughout Afghanistan.

21 (11) Despite significant improvements in
22 healthcare and education infrastructure for women
23 and girls in Afghanistan, the lack of security and
24 rule of law throughout most of Afghanistan effec-

1 tively denies access to these facilities and the critical
2 services they provide.

3 **SEC. 1703. ESTABLISHMENT OF AFGHAN WOMEN'S FUND.**

4 (a) **ESTABLISHMENT.**—The Administrator of the
5 United States Agency for International Development shall
6 establish a fund for the purpose of assisting women and
7 girls in Afghanistan in the areas of political and human
8 rights, health care, education, training, security, and shel-
9 ter.

10 (b) **ACTIVITIES SUPPORTED.**—The fund established
11 under subsection (a) shall support the activities described
12 in section 103(a)(7) of the Afghanistan Freedom Support
13 Act of 2002 and the following activities:

14 (1) Direct financial and programmatic assist-
15 ance to the Ministry of Women's Affairs in Afghani-
16 stan (hereafter in this section referred to as the
17 “Ministry”) to promote the strengthening of the
18 Ministry as the Government of Afghanistan con-
19 tinues its transition to a long-term government
20 structure and to enable the Ministry to fulfill its
21 mandate. The Ministry may use such assistance to
22 support activities such as the following:

23 (A) Multiyear women-centered economic
24 development programs, including programs to

1 assist widows, female heads of household,
2 women in rural areas, and disabled women.

3 (B) Collaboration with the Ministry of
4 Health to construct culturally appropriate
5 health infrastructure and delivery of high-qual-
6 ity comprehensive health care programs, includ-
7 ing primary, maternal, child, reproductive, and
8 mental health care.

9 (C) Programs to prevent trafficking in per-
10 sons, assist victims, and apprehend and pros-
11 ecute traffickers in persons.

12 (2) Direct financial assistance to the National
13 Human Rights Commission of Afghanistan.

14 (3) Construction of women's educational facili-
15 ties in Afghanistan.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 not less than \$22,500,000 for each of the fiscal years
19 2003, 2004, and 2005 and such sums as are necessary
20 for each subsequent fiscal year.

21 **SEC. 1704. ASSISTANCE TO AFGHANISTAN.**

22 Notwithstanding any other provision of law, not less
23 than 15 percent of the aggregate amount of economic and
24 humanitarian assistance authorized to be appropriated
25 under section 1703(c) to be made available to Afghanistan

1 for each of the fiscal years 2003, 2004, and 2005 shall
2 be made available for assistance directly to Afghan-led
3 local nongovernmental organizations, including Afghan
4 women-led organizations, with demonstrated experience in
5 delivering services to Afghan women and children to sup-
6 port their programmatic activities and organizational de-
7 velopment. In recognition of the appreciating capacity of
8 Afghan-led local nongovernmental organizations, including
9 Afghan women-led organizations, an appropriate percent-
10 age of the aggregate amount of economic and humani-
11 tarian assistance authorized to be made available to Af-
12 ghanistan for fiscal year 2006 and each subsequent fiscal
13 year shall be made available for assistance directly to Af-
14 ghan-led local nongovernmental organizations, including
15 Afghan women-led organizations.

16 **SEC. 1705. REQUIREMENTS RELATING TO UNITED STATES**
17 **ACTIVITIES IN AFGHANISTAN.**

18 (a) **IN GENERAL.**—Activities described in subsections
19 (b) through (e) that are carried out by the United States
20 in Afghanistan should comply with the applicable require-
21 ments contained in such subsections.

22 (b) **GOVERNANCE OF AFGHANISTAN.**—With respect
23 to the governance of Afghanistan, the applicable require-
24 ments are the following:

1 (1) Include the perspectives and advice of Af-
2 ghan women’s organizations, networks, and leaders
3 in United States policymaking related to the govern-
4 ance of Afghanistan.

5 (2) Promote the inclusion of a significant num-
6 ber of women in future legislative bodies to ensure
7 that women’s full range of human rights are in-
8 cluded and upheld in any constitution or legal struc-
9 tures of Afghanistan.

10 (3) Encourage the appointment of women to
11 high level positions within Afghan Ministries.

12 (c) POST-CONFLICT RECONSTRUCTION AND DEVEL-
13 OPMENT.—With respect to activities relating to post-con-
14 flict stability in Afghanistan, the applicable requirements
15 are the following:

16 (1) Encourage United States organizations that
17 receive funds authorized by this title to partner with
18 or create Afghan-led counterpart organizations and
19 provide these organizations with significant financial
20 resources, technical assistance, and capacity build-
21 ing.

22 (2) Increase women’s access to or ownership of
23 productive assets such as land, water, agricultural
24 inputs, credit, and property.

1 (3) Provide long-term financial assistance for
2 primary, secondary, higher, nontraditional, and voca-
3 tional education for Afghan girls, women, boys, and
4 men.

5 (4) Integrate education and training programs
6 for former combatants with economic development
7 programs to encourage their reintegration into soci-
8 ety and to promote post-conflict stability.

9 (5) Provide assistance to rehabilitate children
10 affected by the conflict, particularly child soldiers.

11 (6) Support educational efforts to increase
12 awareness with respect to landmines, facilitate the
13 removal of landmines, and provide services to indi-
14 viduals with disabilities caused by landmines.

15 (d) AFGHAN MILITARY AND POLICE.—With respect
16 to training for military and police forces in Afghanistan,
17 the applicable requirements are the following:

18 (1) Include training on the protection, rights,
19 and the particular needs of women and emphasize
20 that violations of women’s rights are intolerable and
21 should be prosecuted.

22 (2) Encourage such trainers who will carry out
23 the activities in paragraph (1) to consult with wom-
24 en’s organizations in Afghanistan to ensure that

1 training content and materials are adequate, appro-
2 priate, and comprehensive.

3 (e) RELIEF, RESETTLEMENT, AND REPATRIATION OF
4 REFUGEES AND INTERNALLY DISPLACED PERSONS.—

5 With respect to the relief, resettlement, and repatriation
6 of refugees and internally displaced persons in Afghani-
7 stan, the applicable requirements are the following:

8 (1) Take all necessary steps to ensure that
9 women refugees and internally displaced persons in
10 camps, urban areas, and villages are directly receiv-
11 ing food aid, shelter, relief supplies, and other serv-
12 ices from United States-sponsored programs.

13 (2) Take all necessary steps to ensure that
14 women refugees in camps, urban areas, and villages
15 are accessing high-quality health and medical serv-
16 ices, including primary, maternal, child, and mental
17 health services.

18 (3) Take all necessary steps to ensure that
19 women and children in refugee camps are protected
20 from sexual exploitation.

21 (4) Take all necessary steps to ensure refugees
22 and internally displaced persons that seek to return
23 to their place of origin can do so voluntarily, safely,
24 and with the full protection of their rights. United
25 States-sponsored efforts shall not coerce refugees or

1 internally displaced persons to return to their places
2 of origin.

3 **SEC. 1706. REPORTING REQUIREMENTS.**

4 Not later than 60 days after the date of the enact-
5 ment of this Act, and annually thereafter, the President
6 shall prepare and transmit to Congress a report that con-
7 tains documentation of the progress in implementing the
8 requirements of section 1705. All data in the report shall
9 be disaggregated by gender.

10 **TITLE XVIII—MISCELLANEOUS**
11 **FOREIGN ASSISTANCE PROVI-**
12 **SIONS**

13 **SEC. 1801. ADDITIONAL AUTHORITIES RELATING TO INTER-**
14 **NATIONAL NARCOTICS CONTROL ASSIST-**
15 **ANCE.**

16 Notwithstanding any other provision of law, assist-
17 ance provided by the United States Government to sup-
18 port international efforts to combat aerial trafficking of
19 illicit narcotics under chapter 8 of part I of the Foreign
20 Assistance Act of 1961 or under any other provision of
21 law shall include the authority to interdict illicit arms in
22 connection with the trafficking of illicit narcotics.

1 **SEC. 1802. UNITED STATES OPIUM ERADICATION PROGRAM**
2 **IN COLOMBIA.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Secretary of State, acting through
5 the Department of State's Narcotics Affairs Section
6 (NAS) in Bogota, Colombia, shall ensure that all pilots
7 participating in the United States opium eradication pro-
8 gram in Colombia are Colombians and are fully trained,
9 qualified, and experienced pilots, with preference provided
10 to individuals who are members of the Colombian National
11 Police.

12 **SEC. 1803. COOPERATIVE DEVELOPMENT PROGRAM.**

13 Of the amounts made available for development as-
14 sistance under the Foreign Assistance Act of 1961, not
15 less than \$2,000,000 for each of the fiscal years 2004 and
16 2005 are authorized to be made available to finance
17 projects among the United States, Israel, and developing
18 countries in Africa under the Cooperative Development
19 Program.

20 **SEC. 1804. WEST BANK AND GAZA PROGRAM.**

21 (a) OVERSIGHT.—For fiscal year 2004, the Secretary
22 of State shall certify to the appropriate committees of
23 Congress not later than 30 days prior to the initial obliga-
24 tion of funds for the West Bank and Gaza that procedures
25 have been established to assure the Comptroller General
26 will have access to appropriate United States financial in-

1 formation in order to review the use of United States as-
2 sistance for the West Bank and Gaza funded under chap-
3 ter 4 of part II of the Foreign Assistance Act of 1961
4 (“Economic Support Fund”).

5 (b) VETTING.—Prior to any obligation of funds au-
6 thorized to be appropriated to carry out chapter 4 of part
7 II of the Foreign Assistance Act of 1961 for assistance
8 for the West Bank and Gaza, the Secretary of State shall
9 take all appropriate steps to ensure that such assistance
10 is not provided to or through any individual or entity that
11 the Secretary knows, or has reason to believe, advocates,
12 plans, sponsors, engages in, or has engaged in, terrorist
13 activity. The Secretary of State shall, as appropriate, es-
14 tablish procedures specifying the steps to be taken in car-
15 rying out this subsection.

16 (c) AUDITS.—

17 (1) IN GENERAL.—The Administrator of the
18 United States Agency for International Development
19 shall ensure that independent audits of all contrac-
20 tors and grantees, and significant subcontractors
21 and subgrantees, under the West Bank and Gaza
22 Program, are conducted at least on an annual basis
23 to ensure, among other things, compliance with this
24 section.

1 “(i) propaganda in government and gov-
2 ernment-controlled media and other sources, in-
3 cluding government-produced educational mate-
4 rials and textbooks, that attempt to justify or
5 promote racial hatred or incite acts of violence
6 against any race or people; and

7 “(ii) complicity or involvement in the cre-
8 ation of such propaganda or incitement of acts
9 of violence against any race; and

10 “(B) a description of the actions, if any, taken
11 by the government of the country to eliminate such
12 propaganda or incitement.”.

13 (b) COUNTRIES RECEIVING SECURITY ASSIST-
14 ANCE.—Section 502B(b) of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2304(b)) is amended by inserting after
16 the eighth sentence the following: “Each report under this
17 section shall also include wherever applicable, in a sepa-
18 rate section with a separate heading, a description of (i)
19 the nature and extent of (I) propaganda in government
20 and government-controlled media and other sources, in-
21 cluding government-produced educational materials and
22 textbooks, that attempt to justify or promote racial hatred
23 or incite acts of violence against any race, and (II) com-
24 plicity or involvement in the creation of such propaganda
25 or incitement of acts of violence against any race or peo-

1 ple, and (ii) a description of the actions, if any, taken by
2 the government of the country to eliminate such propa-
3 ganda or incitement.”.

4 **SEC. 1806. ASSISTANCE TO EAST TIMOR.**

5 Section 632(b)(1) of the Foreign Relations Author-
6 ization Act, Fiscal Year 2003 (Public Law 107–228) is
7 amended by striking “the fiscal year 2003” and inserting
8 “each of the fiscal years 2003, 2004, and 2005”.

9 **SEC. 1807. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS**
10 **FOR CUBA.**

11 (a) STATEMENT OF POLICY.—It is the policy of the
12 United States to support those individuals and groups who
13 struggle for freedom and democracy in Cuba, including
14 human rights dissidents, independent journalists, inde-
15 pendent labor leaders, and other opposition groups.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to the President to carry out section
19 109(a) of Public Law 104–114 (22 U.S.C. 6039(a))
20 \$15,000,000 for each of the fiscal years 2004 and
21 2005.

22 (2) ADDITIONAL AUTHORITIES.—Amounts ap-
23 propriated pursuant to the authorization of appro-
24 priations under subsection (a)—

1 (A) are authorized to remain available
2 until expended; and

3 (B) are in addition to amounts otherwise
4 available for such purposes.

5 **SEC. 1808. AMENDMENT TO THE AFGHANISTAN FREEDOM**
6 **SUPPORT ACT OF 2002.**

7 The Afghanistan Freedom Support Act of 2002 (22
8 U.S.C. 7501 et seq.) is amended—

9 (1) in section 103(a) by striking “section 512
10 of Public Law 107–115 or any similar” and insert-
11 ing “any other”; and

12 (2) in section 207(b) by striking “section 512
13 of Public Law 107–115 or any similar” and insert-
14 ing “any other”.

15 **SEC. 1809. CONGO BASIN FOREST PARTNERSHIP.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the President to carry
18 out the Congo Basin Forest Partnership (CBFP) program
19 \$18,600,000 for each of the fiscal years 2004 and 2005.
20 Of the amounts appropriated pursuant to the authoriza-
21 tion of appropriations under the preceding sentence for
22 a fiscal year, \$16,000,000 is authorized to be made avail-
23 able to the Central Africa Regional Program for the Envi-
24 ronment (CARPE) of the United States Agency for Inter-
25 national Development.

1 (b) AVAILABILITY.—Amounts appropriated pursuant
2 to the authorization of appropriations under subsection (a)
3 are authorized to remain available until expended.

4 **SEC. 1810. COMBATTING THE PIRACY OF UNITED STATES**
5 **COPYRIGHTED MATERIALS.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-
7 tion to such amounts as may otherwise be authorized to
8 be appropriated for such purpose, there are authorized to
9 be appropriated for the Department of State, \$10,000,000
10 to carry out the following activities in countries that are
11 not members of the Organization for Economic Coopera-
12 tion and Development (OECD):

13 (1) Provision of equipment and training for for-
14 eign law enforcement, including in the interpretation
15 of intellectual property laws.

16 (2) Training for judges and prosecutors, includ-
17 ing in the interpretation of intellectual property
18 laws.

19 (3) Assistance in complying with obligations
20 under appropriate international copyright and intel-
21 lectual property treaties and agreements.

22 (b) CONSULTATION WITH WORLD INTELLECTUAL
23 PROPERTY ORGANIZATION.—In carrying out subsection
24 (a), the Department of State should make every effort to
25 consult with, and provide appropriate assistance to, the

1 World Intellectual Property Organization to promote the
2 integration of non-OECD countries into the global intel-
3 lectual property system.

4 **SEC. 1811. ASSISTANCE FOR LAW ENFORCEMENT FORCES**
5 **IN CERTAIN FOREIGN COUNTRIES.**

6 Notwithstanding section 660 of the Foreign Assist-
7 ance Act of 1961 (22 U.S.C. 2420), the Administrator of
8 the United States Agency for International Development
9 is authorized to provide assistance for fiscal years 2004
10 and 2005 to—

11 (1) law enforcement agencies of the Govern-
12 ment of India for the purposes of enhancing their
13 capacity for medical-first-response and search-and-
14 rescue operations after a natural disaster, improving
15 the access of women to justice, and combating the
16 trafficking of persons; and

17 (2) the new police force of Northern Ireland for
18 the purpose of providing computer-based, human-
19 rights and other professional training, and the law
20 enforcement agencies of the Republic of Ireland
21 (ROI) for the purposes of fostering greater coopera-
22 tion and communication between the police force of
23 the Republic of Ireland and the new police force of
24 Northern Ireland, as recommended by the Patten
25 Commission.

1 **SEC. 1812. HUMAN RIGHTS AND DEMOCRACY FUND.**

2 Section 664(c)(1) of the Freedom Investment Act of
3 2002 (subtitle E of title VI of division A of Public Law
4 107–228; 22 U.S.C. 2151n–2(c)(1)) is amended—

5 (1) by striking “for fiscal year 2003” and in-
6 sserting “for each of the fiscal years 2003 through
7 2005”; and

8 (2) by striking “\$21,500,000 is” and inserting
9 “\$21,500,000 for fiscal year 2003, \$24,000,000 for
10 fiscal year 2004, and such sums as may be nec-
11 essary for fiscal year 2005 are”.

12 **SEC. 1813. ENHANCED POLICE TRAINING.**

13 (a) IN GENERAL.—Section 660(b) of the Foreign As-
14 sistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

15 (1) in paragraph (7), by striking the period at
16 the end and inserting “; or”; and

17 (2) by adding at the end the following new
18 paragraph:

19 “(8) with respect to assistance provided to en-
20 hance the effectiveness and accountability of civilian
21 police authority through training and technical as-
22 sistance in internationally recognized human rights,
23 the rule of law, strategic planning, and counter-nar-
24 cotics, and through the promotion of civilian police
25 roles that support democratic governance, including
26 programs to combat corruption and the trafficking

1 of persons, particularly by organized crime, prevent
2 conflict, and foster improved police relations with
3 the communities in which they serve.”.

4 (b) NOTIFICATION REQUIREMENT.—Section 660 of
5 the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is
6 amended by adding at the end the following new sub-
7 section:

8 “(e) Funds may not be obligated for assistance under
9 subsection (b)(8) unless the Secretary of State notifies the
10 Committee on International Relations of the House of
11 Representatives and the Committee on Foreign Relations
12 of the Senate of the amount and nature of the proposed
13 assistance at least 15 days in advance of the proposed obli-
14 gation in accordance with the procedures applicable to re-
15 programming notifications pursuant to section 634A of
16 this Act. Such notification shall include a comprehensive
17 report and, where practicable, a plan describing the police
18 assistance and rule of law programs of relevant United
19 States agencies for each country which is to receive assist-
20 ance under section 660(b)(8).”.

21 **SEC. 1814. PROMOTING A SECURE AND DEMOCRATIC AF-**
22 **GHANISTAN.**

23 (a) FINDINGS.—The Congress finds that—

24 (1) the United States has a vital interest in
25 promoting Afghanistan’s transition from chaos, civil

1 war, and disorder to an increasingly prosperous
2 democratic state, safe and secure with its neighbors,
3 respecting human rights, particularly the rights of
4 women and girls, dedicated to the liberty, literacy,
5 and enrichment of its citizens, and serving as a
6 model for other countries;

7 (2) basic security in the major cities and along
8 key transportation routes is critical to the recon-
9 struction and development of Afghanistan, including
10 fostering implementation of the Bonn Agreement,
11 achieving progress towards a democratic and toler-
12 ant government, and encouraging international pri-
13 vate investment;

14 (3) Afghanistan and its people remain under se-
15 rious threat from terrorism, insurgency, widespread
16 crime, banditry, intimidation, rape, and suppression
17 of minorities and women, and other grave violations
18 of human rights continue to occur, especially in
19 areas that do not have a routine presence of inter-
20 national security personnel;

21 (4) lethal clashes continue between the private
22 armies of warlords, attacks against Afghan civilians
23 and officials and United States and international or-
24 ganization personnel are on the rise, and threats
25 against civilians and whole villages not to cooperate

1 with Americans or the central government are now
2 routine;

3 (5) the growth, production, and trafficking of
4 Afghan opium and its derivatives pose a serious
5 threat to international peace and security and efforts
6 toward reconstruction in Afghanistan;

7 (6) recruitment and training of the Afghan Na-
8 tional Army and the Afghan National Police are se-
9 riously behind schedule and will not be at full
10 strength for several years, leaving the central gov-
11 ernment and Afghan citizens vulnerable to the dep-
12 redations of terrorists, insurgents, and the private
13 armies of warlords;

14 (7) although the 4,500 soldiers of the Inter-
15 national Security Assistance Force (ISAF) have pro-
16 vided much-needed security for the citizens of Kabul,
17 it is not within their mandate or power to promote
18 security to other areas, and human rights abuses are
19 continuing in areas in and around Kabul where
20 ISAF is not present;

21 (8) vastly disproportionate numbers of refugees
22 returning from neighboring countries have gone to
23 Kabul because of the security provided by ISAF and
24 the insecurity of their home areas, overwhelming

1 Kabul and far exceeding its capacity for shelter,
2 food, and employment;

3 (9) NATO has recently decided to take over re-
4 sponsibility for a limited ISAF, a welcome develop-
5 ment that will not, unfortunately, provide any addi-
6 tional security in Kabul or elsewhere;

7 (10) the United States has stated on numerous
8 occasions that it does not oppose the expansion of
9 ISAF, but that heretofore other countries have not
10 expressed a willingness to participate in an expanded
11 force;

12 (11) the United States has not itself dem-
13 onstrated a commitment to expansion of ISAF or a
14 similar international security or peacekeeping force,
15 a commitment to leadership that other nations may
16 more likely follow;

17 (12) the Secretary of Defense has announced
18 that the combat phase of the war in Afghanistan has
19 ended, and that the United States will be focusing
20 its efforts on a reconstruction phase utilizing lightly-
21 armed, platoon-sized Provincial Reconstruction
22 Teams to provide security for reconstruction efforts,
23 rather than an expanded international peacekeeping
24 or patrolling security force;

1 (13) the Provincial Reconstruction Teams may
2 prove inadequate to provide a significant level of se-
3 curity to their regions, and are not tasked to secure
4 the major transportation routes which are critical to
5 the economic revival of Afghanistan;

6 (14) United States and foreign nongovern-
7 mental aid workers and Afghan civilian aid workers
8 are at great risk of being robbed, beaten, and killed
9 in areas of Afghanistan that are not being patrolled
10 by United States forces or Afghan central govern-
11 ment forces;

12 (15) such acts of theft, intimidation, and mur-
13 der against foreign aid and Afghan civilian workers
14 are occurring with increasing frequency, and are
15 often deliberately committed by Taliban and other
16 insurgent and rebel forces with the intention of cre-
17 ating sufficient terror to undermine and arrest any
18 efforts to rebuild Afghanistan into a peaceful, demo-
19 cratic, and prosperous nation that prohibits ter-
20 rorism and tyranny;

21 (16) the report of the Inspector General of the
22 United States Agency for International Development
23 (USAID) confirms that USAID workers are virtual
24 captives in their compounds, able to venture out into
25 the countryside for brief periods and only under

1 heavy armed escort, conditions which are counter-
2 productive to their mission of assisting the people of
3 Afghanistan;

4 (17) the Taliban and al-Qaeda may believe they
5 only have to create enough terror and uncertainty in
6 the country to undermine the creation of strong rep-
7 resentative institutions, and wait until the United
8 States leaves to again create chaos, exploit tribal ri-
9 valries, and plunge Afghanistan back into chaos;

10 (18) failure to secure a peaceful and democratic
11 Afghanistan will diminish the credibility of efforts by
12 the United States and the international community
13 to promote peace and democracy elsewhere in the
14 Muslim world; and

15 (19) unless general security can be provided in
16 the major population areas, strategic highways, and
17 border crossings and chokepoints, the goals for
18 which the war in Afghanistan was fought may be
19 lost and the efforts and lives spent in the attempt
20 to liberate and rebuild Afghanistan may be wasted.

21 (b) SECURITY POLICY.—

22 (1) SECURITY ALONG HIGHWAYS.—The Presi-
23 dent shall take immediate steps to ensure that there
24 is adequate security along the length of highways
25 connecting major Afghan urban centers in order to

1 terminate and deter acts of banditry, illegal check-
2 points, human rights abuses, terrorism, and intimi-
3 dation against Afghan and foreign civilians and mili-
4 tary personnel.

5 (2) DISARMAMENT, ETC. OF AFGHAN MILI-
6 TIAS.—The President shall take immediate steps to
7 support directly the disarmament, demobilization,
8 and reintegration of Afghan militias and irregulars
9 that are not formally part of the Afghan National
10 Army or under the direct control of the central gov-
11 ernment in Afghanistan.

12 (c) SENSE OF CONGRESS.—It is the sense of the Con-
13 gress that the President should take steps to implement
14 section 206(d) of the Afghanistan Freedom Support Act
15 of 2002 (Public Law 107–327) to expand significantly the
16 International Security Assistance Force, or take such
17 other steps as may be necessary, such as increasing the
18 number and force levels of United States Provincial Re-
19 construction Teams, so as to—

20 (1) increase the area in which security is pro-
21 vided and undertake vital tasks related to promoting
22 security, such as disarming warlords militias and
23 irregulars;

24 (2) deter criminal activity, including rape, rob-
25 bery, and intimidation of civilians; and

1 (3) safeguard highways in order to allow gov-
2 ernmental and nongovernmental assistance and re-
3 construction personnel to move more freely in the
4 countryside to provide humanitarian relief and re-
5 build Afghanistan.

6 **SEC. 1815. GRANTS TO THE AFRICA SOCIETY.**

7 (a) GRANTS TO THE AFRICA SOCIETY.—For any fis-
8 cal year, the Secretary of State is authorized to make
9 grants to the Africa Society to carry out programs and
10 activities that advance United States interests and values
11 in Africa through public and private partnerships that fa-
12 cilitate the continent’s political transition to more open
13 democratic societies, support equitable economic growth
14 through trade and investment, support efforts to promote
15 transparency and openness through the public and private
16 sectors, encourage civil society growth and development,
17 and promote awareness of all Americans about Africa,
18 consistent with a grant agreement under such terms as
19 the Secretary of State considers necessary and appro-
20 priate.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 \$1,000,000 for the fiscal year 2004 and such sums as may
24 be necessary for the fiscal year 2005.

1 **SEC. 1816. ASSISTANCE TO TAMIL NADU.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Several United States businesses invested
5 more than \$800,000,000 in capital in the Indian
6 State of Tamil Nadu to build and operate state-of-
7 the-art electric generation facilities to serve local
8 customers.

9 (2) For nearly 2 years since these power plants
10 went into service, the Tamil Nadu Electricity Board
11 has violated the principle of contract sanctity by
12 consistently refusing to pay the contractually-re-
13 quired price for the electricity produced by these
14 companies.

15 (3) The Tamil Nadu Electricity Board now
16 owes these United States companies in excess of
17 \$150,000,000 in arrearages despite repeated assur-
18 ances by the Government of Tamil Nadu that the
19 situation would be resolved.

20 (4) All of the projects are in a technical state
21 of default on the principal of their loans and none
22 of the United States companies is making a return
23 on their equity.

24 (b) RESTRICTION.—No funds authorized by this Act
25 (including any amendments made by this Act) or author-
26 ized under any other provision of law may be used to di-

1 rectly or indirectly support any programs, projects, or ac-
2 tivities (other than humanitarian, health, or rule of law
3 programs, projects, or activities) located in or designed to
4 benefit the State of Tamil Nadu, India.

5 **SEC. 1817. TRANSFER OF NAVAL VESSELS TO CERTAIN FOR-**
6 **EIGN COUNTRIES.**

7 (a) TRANSFERS BY GRANT.—The President is au-
8 thorized to transfer vessels to foreign countries on a grant
9 basis under section 516 of the Foreign Assistance Act of
10 1961 (22 U.S.C. 2321j), as follows:

11 (1) BAHRAIN.—To the Government of Bahrain,
12 the OLIVER HAZARD PERRY class guided missile
13 frigate GEORGE PHILIP (FFG 12).

14 (2) PORTUGAL.—To the Government of Por-
15 tugal, the OLIVER HAZARD PERRY class guided
16 missile frigate SIDES (FFG 14).

17 (b) TRANSFERS BY SALE.—The President is author-
18 ized to transfer vessels to foreign countries on a sale basis
19 under section 21 of the Arms Export Control Act (22
20 U.S.C. 2761) as follows:

21 (1) BRAZIL.—To the Government of Brazil, the
22 SPRUANCE class destroyer O'BRIEN (DD 975).

23 (2) CHILE.—To the Government of Chile, the
24 SPRUANCE class destroyer FLETCHER (DD
25 992).

1 (3) TURKEY.—To the Government of Turkey,
2 the ANCHORAGE class dock landing ship AN-
3 CHORAGE (LSD 36).

4 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
5 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
6 of a vessel transferred to another country on a grant basis
7 under section 516 of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2321j) pursuant to authority provided by sub-
9 section (a) shall not be counted against the aggregate
10 value of excess defense articles transferred to countries in
11 any fiscal year under subsection (g) of that section.

12 (d) COSTS OF TRANSFERS ON GRANT BASIS.—Any
13 expense incurred by the United States in connection with
14 a transfer authorized to be made on a grant basis under
15 section 516 of the Foreign Assistance Act of 1961 (22
16 U.S.C. 2321j) pursuant to the authority provided by sub-
17 section (a) shall be charged to the recipient (notwith-
18 standing section 516(e)(1) of such Act).

19 (e) REPAIR AND REFURBISHMENT IN UNITED
20 STATES SHIPYARDS.—To the maximum extent prac-
21 ticable, the President shall require, as a condition of the
22 transfer of a vessel under this section, that the country
23 to which the vessel is transferred have such repair or re-
24 furbishment of the vessel as is needed, before the vessel
25 joins the naval forces of that country, performed at a ship-

1 yard located in the United States, including a United
2 States Navy shipyard.

3 (f) EXPIRATION OF AUTHORITY.—The authority to
4 transfer a vessel under this section shall expire at the end
5 of the two-year period beginning on the date of the enact-
6 ment of this Act.

7 **SEC. 1818. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN**
8 **COUNTRIES OF THE CARIBBEAN REGION.**

9 Section 1(f)(2)(B)(ii)(VII) of the State Department
10 Basic Authorities Act of 1956 (22 U.S.C.
11 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after
12 “Zambia,” the following: “Antigua and Barbuda, the
13 Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica,
14 Montserrat, Saint Kitts and Nevis, Saint Vincent and the
15 Grenadines, Saint Lucia, Suriname, Trinidad and Tobago,
16 Dominican Republic,”.

17 **SEC. 1819. REPORT ON PROGRESS MADE IN MODIFYING**
18 **THE ENHANCED HIPC INITIATIVE.**

19 Within 90 days after the date of the enactment of
20 this Act, and annually thereafter, the Secretary of the
21 Treasury shall submit to the Committees on Financial
22 Services, on Appropriations, and on International Rela-
23 tions of the House of Representatives and the Committees
24 on Foreign Relations and on Appropriations of the Senate
25 a written report that describes the progress made in modi-

1 fying the Enhanced HIPC Initiative (as defined in section
2 1625(e)(3) of the International Financial Institutions Act)
3 as called for in section 501 of of the United States Leader-
4 ship Against HIV/AIDS, Tuberculosis, and Malaria Act
5 of 2003.

6 **DIVISION E—ASSISTANCE FOR**
7 **VIET NAM**
8 **TITLE XX—CONDITIONS ON IN-**
9 **CREASED NONHUMANI-**
10 **TARIAN ASSISTANCE TO THE**
11 **GOVERNMENT OF VIET NAM**

12 **SEC. 2001. BILATERAL NONHUMANITARIAN ASSISTANCE.**

13 (a) ASSISTANCE.—

14 (1) IN GENERAL.—United States nonhumani-
15 tarian assistance may not be provided to the Govern-
16 ment of Viet Nam in an amount exceeding the
17 amount so provided for fiscal year 2003—

18 (A) for fiscal year 2004 unless not later
19 than 30 days after the date of the enactment of
20 this Act the President determines and certifies
21 to Congress that the requirements of subpara-
22 graphs (A) through (D) of paragraph (2) have
23 been met during the 12-month period ending
24 on the date of the certification; and

1 (B) for each subsequent fiscal year unless
2 the President determines and certifies to Con-
3 gress in the most recent annual report sub-
4 mitted pursuant to section 501 that the re-
5 quirements of subparagraphs (A) through (E)
6 of paragraph (2) have been met during the 12-
7 month period covered by the report.

8 (2) REQUIREMENTS.—The requirements of this
9 paragraph are that—

10 (A) the Government of Viet Nam has made
11 substantial progress toward releasing all polit-
12 ical and religious prisoners from imprisonment,
13 house arrest, and other forms of detention;

14 (B)(i) the Government of Viet Nam has
15 made substantial progress toward respecting
16 the right to freedom of religion, including the
17 right to participate in religious activities and in-
18 stitutions without interference by or involve-
19 ment of the Government; and

20 (ii) has made substantial progress to-
21 ward returning estates and properties con-
22 fiscated from the churches;

23 (C) the Government of Viet Nam has made
24 substantial progress toward allowing Viet-

1 nameese nationals free and open access to
2 United States refugee programs;

3 (D) the Government of Viet Nam has
4 made substantial progress toward respecting
5 the human rights of members of ethnic minority
6 groups in the Central Highlands and elsewhere
7 in Viet Nam; and

8 (E)(i) neither any official of the Govern-
9 ment of Viet Nam nor any agency or entity
10 wholly or partly owned by the Government of
11 Viet Nam was complicit in a severe form of
12 trafficking in persons; or

13 (ii) the Government of Viet Nam took
14 all appropriate steps to end any such com-
15 plicity and hold such official, agency, or
16 entity fully accountable for its conduct.

17 (b) EXCEPTION.—

18 (1) CONTINUATION OF ASSISTANCE IN THE NA-
19 TIONAL INTEREST.—Notwithstanding the failure of
20 the Government of Viet Nam to meet the require-
21 ments of subsection (a)(2), the President may waive
22 the application of subsection (a) for any fiscal year
23 if the President determines that the provision to the
24 Government of Viet Nam of increased United States
25 nonhumanitarian assistance would promote the pur-

1 poses of this Act or is otherwise in the national in-
2 terest of the United States.

3 (2) EXERCISE OF WAIVER AUTHORITY.—The
4 President may exercise the authority under para-
5 graph (2) with respect to—

6 (A) all United States nonhumanitarian as-
7 sistance to Viet Nam; or

8 (B) one or more programs, projects, or ac-
9 tivities of such assistance.

10 (c) DEFINITIONS.—In this section:

11 (1) SEVERE FORM OF TRAFFICKING IN PER-
12 SONS.—The term “severe form of trafficking in per-
13 sons” means any activity described in section 103(8)
14 of the Trafficking Victims Protection Act of 2000
15 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C.
16 7102(8)).

17 (2) UNITED STATES NONHUMANITARIAN AS-
18 SISTANCE.—The term “United States nonhumani-
19 tarian assistance” means—

20 (A) any assistance under the Foreign As-
21 sistance Act of 1961 (including programs under
22 title IV of chapter 2 of part I of that Act, relat-
23 ing to the Overseas Private Investment Cor-
24 poration), other than—

1 (i) disaster relief assistance, including
2 any assistance under chapter 9 of part I of
3 that Act;

4 (ii) assistance which involves the pro-
5 vision of food (including monetization of
6 food) or medicine; and

7 (iii) assistance for refugees; and

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

10 **TITLE XXI—ASSISTANCE TO SUP-**
11 **PORT HUMAN RIGHTS AND**
12 **DEMOCRACY IN VIET NAM**

13 **SEC. 2101. ASSISTANCE.**

14 (a) **IN GENERAL.**—The President is authorized to
15 provide assistance, through appropriate nongovernmental
16 organizations, for the support of individuals and organiza-
17 tions to promote democracy and internationally recognized
18 human rights in Viet Nam.

19 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
20 are authorized to be appropriated to the President to carry
21 out subsection (a) \$2,000,000 for each of the fiscal years
22 2004 and 2005.

1 **TITLE XXII—UNITED STATES**
2 **PUBLIC DIPLOMACY**

3 **SEC. 2201. RADIO FREE ASIA TRANSMISSIONS TO VIET NAM.**

4 (a) POLICY OF THE UNITED STATES.—It is the pol-
5 icy of the United States to take such measures as are nec-
6 essary to overcome the jamming of Radio Free Asia by
7 the Government of Viet Nam, including the active pursuit
8 of broadcast facilities in close geographic proximity to Viet
9 Nam.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to such amounts as are otherwise authorized to be
12 appropriated for the Broadcasting Board of Governors,
13 there are authorized to be appropriated to carry out the
14 policy under subsection (a) \$9,100,000 for the fiscal year
15 2004 and \$1,100,000 for the fiscal year 2005.

16 **SEC. 2202. UNITED STATES EDUCATIONAL AND CULTURAL**
17 **EXCHANGE PROGRAMS WITH VIET NAM.**

18 It is the policy of the United States that programs
19 of educational and cultural exchange with Viet Nam
20 should actively promote progress toward freedom and de-
21 mocracy in Viet Nam by providing opportunities to Viet-
22 nameese nationals from a wide range of occupations and
23 perspectives to see freedom and democracy in action and,
24 also, by ensuring that Vietnamese nationals who have al-

1 ready demonstrated a commitment to these values are in-
2 cluded in such programs.

3 **TITLE XXIII—UNITED STATES**
4 **REFUGEE POLICY**

5 **SEC. 2301. REFUGEE RESETTLEMENT FOR NATIONALS OF**
6 **VIET NAM.**

7 (a) **POLICY OF THE UNITED STATES.**—It is the pol-
8 icy of the United States to offer refugee resettlement to
9 nationals of Viet Nam (including members of the
10 Montagnard ethnic minority groups) who were eligible for
11 the Orderly Departure Program (ODP), Resettlement Op-
12 portunities for Vietnamese Returnees (ROVR) or any
13 other United States refugee program and who were
14 deemed ineligible due to administrative error or who for
15 reasons beyond the control of such individuals (including
16 insufficient or contradictory information or the inability
17 to pay bribes demanded by officials of the Government of
18 Viet Nam) were unable or failed to apply for such pro-
19 grams in compliance with deadlines imposed by the De-
20 partment of State.

21 (b) **AUTHORIZED ACTIVITY.**—Of the amounts au-
22 thorized to be appropriated to the Department of State
23 for Migration and Refugee Assistance for each of the fiscal
24 years 2004, 2005, and 2006, such sums as may be nec-
25 essary are authorized to be made available for the protec-

1 tion (including resettlement in appropriate cases) of Viet-
2 nameese refugees and asylum seekers, including
3 Montagnards in Cambodia.

4 **TITLE XIV—ANNUAL REPORT ON**
5 **PROGRESS TOWARD FREE-**
6 **DOM AND DEMOCRACY IN**
7 **VIET NAM**

8 **SEC. 2401. ANNUAL REPORT.**

9 (a) IN GENERAL.—Not later than 6 months after the
10 date of the enactment of this Act and every 12 months
11 thereafter, the Secretary of State shall submit to the Con-
12 gress a report on the following:

13 (1)(A) The determination and certification of
14 the President that the requirements of section
15 2001(a)(2) have been met, if applicable.

16 (B) The determination of the President under
17 section 2001(b)(2), if applicable.

18 (2) Efforts by the United States Government to
19 secure transmission sites for Radio Free Asia in
20 countries in close geographical proximity to Viet
21 Nam in accordance with section 2201(a).

22 (3) Efforts to ensure that programs with Viet
23 Nam promote the policy set forth in section 302 and
24 with section 102 of the Human Rights, Refugee, and
25 Other Foreign Policy Provisions Act of 1996 regard-

1 ing participation in programs of educational and cul-
2 tural exchange.

3 (4) Steps taken to carry out the policy under
4 section 2301(a).

5 (5) Lists of persons believed to be imprisoned,
6 detained, or placed under house arrest, tortured, or
7 otherwise persecuted by the Government of Viet
8 Nam due to their pursuit of internationally recog-
9 nized human rights. In compiling such lists, the Sec-
10 retary shall exercise appropriate discretion, including
11 concerns regarding the safety and security of, and
12 benefit to, the persons who may be included on the
13 lists and their families. In addition, the Secretary
14 shall include a list of such persons and their families
15 who may qualify for protection under United States
16 refugee programs.

17 (6) A description of the development of the rule
18 of law in Viet Nam, including, but not limited to—

19 (A) progress toward the development of in-
20 stitutions of democratic governance;

21 (B) processes by which statutes, regula-
22 tions, rules, and other legal acts of the Govern-
23 ment of Viet Nam are developed and become
24 binding within Viet Nam;

1 (C) the extent to which statutes, regula-
2 tions, rules, administrative and judicial deci-
3 sions, and other legal acts of the Government of
4 Viet Nam are published and are made acces-
5 sible to the public;

6 (D) the extent to which administrative and
7 judicial decisions are supported by statements
8 of reasons that are based upon written statutes,
9 regulations, rules and other legal acts of the
10 Government of Viet Nam;

11 (E) the extent to which individuals are
12 treated equally under the laws of Viet Nam
13 without regard to citizenship, race, religion, po-
14 litical opinion, or current or former associa-
15 tions;

16 (F) the extent to which administrative and
17 judicial decisions are independent of political
18 pressure or governmental interference and are
19 reviewed by entities of appellate jurisdiction;
20 and

21 (G) the extent to which laws in Viet Nam
22 are written and administered in ways that are
23 consistent with international human rights
24 standards, including the requirements of the

1 International Covenant on Civil and Political
2 Rights.

3 (b) CONTACTS WITH OTHER ORGANIZATIONS.— In
4 preparing the report under subsection (a), the Secretary
5 shall, as appropriate, consult with and seek input from
6 nongovernmental organizations, human rights advocates
7 (including Vietnamese-Americans and human rights advo-
8 cates in Viet Nam), and the United States Commission
9 on Religious Freedom.

Passed the House of Representatives July 16, 2003.

Attest:

Clerk.