

107TH CONGRESS
1ST SESSION

S. 375

To provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2001

Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. HARKIN, Mr. FEINGOLD, Mr. REED, Mr. JEFFORDS, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “East Timor Transition
5 to Independence Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) On August 30, 1999, the East Timorese
9 people voted overwhelmingly in favor of independ-

1 ence from Indonesia. Anti-independence militias,
2 with the support of the Indonesian military, at-
3 tempted to prevent then retaliated against this vote
4 by launching a campaign of terror and violence, dis-
5 placing 500,000 people and murdering at least
6 1,000 people.

7 (2) The violent campaign devastated East
8 Timor's infrastructure, destroyed or severely dam-
9 aged 60 to 80 percent of public and private prop-
10 erty, and resulted in the collapse of virtually all
11 vestiges of government, public services and public se-
12 curity.

13 (3) The Australian-led International Force for
14 East Timor (INTERFET) entered East Timor in
15 September 1999 and successfully restored order. On
16 October 25, 1999, the United Nations Transitional
17 Administration for East Timor (UNTAET) began to
18 provide overall administration of East Timor, guide
19 the people of East Timor in the establishment of a
20 new democratic government, and maintain security
21 and order.

22 (4) UNTAET and the East Timorese leader-
23 ship currently anticipate that East Timor will be-
24 come an independent nation as early as late 2001.

1 (5) East Timor is one of the poorest places in
 2 Asia. A large percentage of the population live below
 3 the poverty line, only 20 percent of East Timor's
 4 population is literate, most of East Timor's people
 5 remain unemployed, the annual per capita Gross Na-
 6 tional Product is \$340, and life expectancy is only
 7 56 years.

8 (6) The World Bank and the United Nations
 9 have estimated that it will require \$300,000,000 in
 10 development assistance over the next three years to
 11 meet East Timor's basic development needs.

12 **SEC. 3. SENSE OF CONGRESS RELATING TO SUPPORT FOR**
 13 **EAST TIMOR.**

14 It is the sense of Congress that the United States
 15 should—

16 (1) facilitate East Timor's transition to inde-
 17 pendence, support formation of broad-based democ-
 18 racy in East Timor, help lay the groundwork for
 19 East Timor's economic recovery, and strengthen
 20 East Timor's security;

21 (2) help ensure that the nature and pace of the
 22 economic transition in East Timor is consistent with
 23 the needs and priorities of the East Timorese people,
 24 that East Timor develops a strong and independent

1 economic infrastructure, and that the incomes of the
2 East Timorese people rise accordingly;

3 (3) begin to lay the groundwork, prior to East
4 Timor's independence, for an equitable bilateral
5 trade and investment relationship;

6 (4)(A) officially open a diplomatic mission to
7 East Timor as soon as possible;

8 (B) recognize East Timor, and establish diplo-
9 matic relations with East Timor, upon its independ-
10 ence; and

11 (C) ensure that a fully functioning, fully
12 staffed, adequately resourced, and securely main-
13 tained United States diplomatic mission is accred-
14 ited to East Timor upon its independence;

15 (5) support efforts by the United Nations and
16 East Timor to ensure justice and accountability re-
17 lated to past atrocities in East Timor through—

18 (A) United Nations investigations;

19 (B) development of East Timor's judicial
20 system, including appropriate technical assist-
21 ance to East Timor from the Department of
22 Justice, the Federal Bureau of Investigation,
23 and the Drug Enforcement Administration;

24 (C) the possible establishment of an inter-
25 national tribunal for East Timor; and

1 (D) sharing with the United Nations Tran-
 2 sitional Administration for East Timor
 3 (UNTAET) and East Timorese investigators
 4 any unclassified information relevant to past
 5 atrocities in East Timor gathered by the United
 6 States Government; and

7 (6)(A) as an interim step, support observer sta-
 8 tus for an official delegation from East Timor to ob-
 9 serve and participate, as appropriate, in all delibera-
 10 tions of the Asia-Pacific Economic Cooperation
 11 (APEC) group, the Association of Southeast Asian
 12 Nations (ASEAN), and other international institu-
 13 tions; and

14 (B) after East Timor achieves independence,
 15 support full membership for East Timor in these
 16 and other international institutions, as appropriate.

17 **SEC. 4. BILATERAL ASSISTANCE.**

18 (a) **AUTHORITY.**—The President, acting through the
 19 Administrator of the United States Agency for Inter-
 20 national Development, is authorized to—

21 (1) support the development of civil society, in-
 22 cluding nongovernmental organizations in East
 23 Timor;

24 (2) promote the development of an independent
 25 news media;

1 (3) support job creation, including support for
 2 small business and microenterprise programs, envi-
 3 ronmental protection, sustainable development, de-
 4 velopment of East Timor's health care infrastruc-
 5 ture, educational programs, and programs strength-
 6 ening the role of women in society;

7 (4) promote reconciliation, conflict resolution,
 8 and prevention of further conflict with respect to
 9 East Timor, including establishing accountability for
 10 past gross human rights violations;

11 (5) support the voluntary and safe repatriation
 12 and reintegration of refugees into East Timor; and

13 (6) support political party development, voter
 14 education, voter registration, and other activities in
 15 support of free and fair elections in East Timor.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There are authorized to be
 18 appropriated to the President to carry out this sec-
 19 tion \$30,000,000 for each of the fiscal years 2002,
 20 2003, and 2004.

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 **SEC. 5. MULTILATERAL ASSISTANCE.**

2 The Secretary of the Treasury shall instruct the
3 United States executive director at each international fi-
4 nancial institution to which the United States is a member
5 to use the voice, vote, and influence of the United States
6 to support economic and democratic development in East
7 Timor.

8 **SEC. 6. PEACE CORPS ASSISTANCE.**

9 (a) **AUTHORITY.**—The Director of the Peace Corps
10 is authorized to—

11 (1) provide English language and other tech-
12 nical training for individuals in East Timor as well
13 as other activities which promote education, eco-
14 nomic development, and economic self-sufficiency;
15 and

16 (2) quickly address immediate assistance needs
17 in East Timor using the Peace Corps Crisis Corps,
18 to the extent practicable.

19 (b) **AUTHORIZATION OF APPROPRIATIONS.**—

20 (1) **IN GENERAL.**—There are authorized to be
21 appropriated to the Peace Corps to carry out this
22 section \$2,000,000 for each of the fiscal years 2001,
23 2002, 2003, and 2004.

24 (2) **AVAILABILITY.**—Amounts appropriated pur-
25 suant to the authorization of appropriations under

1 paragraph (1) are authorized to remain available
2 until expended.

3 **SEC. 7. TRADE AND INVESTMENT ASSISTANCE.**

4 (a) OPIC.—Beginning on the date of the enactment
5 of this Act, the President should initiate negotiations with
6 the United Nations Transitional Administration for East
7 Timor (UNTAET), the National Council of East Timor,
8 and the government of East Timor (after independence
9 for East Timor)—

10 (1) to apply to East Timor the existing agree-
11 ment between the Overseas Private Investment Cor-
12 poration and Indonesia; or

13 (2) to enter into a new agreement authorizing
14 the Overseas Private Investment Corporation to
15 carry out programs with respect to East Timor,
16 in order to expand United States investment in East
17 Timor, emphasizing partnerships with local East Timorese
18 enterprises.

19 (b) TRADE AND DEVELOPMENT AGENCY.—

20 (1) IN GENERAL.—The Director of the Trade
21 and Development Agency is authorized to carry out
22 projects in East Timor under section 661 of the
23 Foreign Assistance Act of 1961 (22 U.S.C. 2421).

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

1 (A) IN GENERAL.—There are authorized to
 2 be appropriated to the Trade and Development
 3 Agency to carry out this subsection \$1,000,000
 4 for each of the fiscal years 2001, 2002, 2003,
 5 and 2004.

6 (B) AVAILABILITY.—Amounts appro-
 7 priated pursuant to the authorization of appro-
 8 priations under subparagraph (A) are author-
 9 ized to remain available until expended.

10 (c) EXPORT-IMPORT BANK.—The Export-Import
 11 Bank of the United States shall expand its activities in
 12 connection with exports to East Timor.

13 **SEC. 8. GENERALIZED SYSTEM OF PREFERENCES.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
 15 gress that the President should encourage the United Na-
 16 tions Transitional Administration for East Timor
 17 (UNTAET), in close consultation with the National Coun-
 18 cil of East Timor, to seek to become eligible for duty-free
 19 treatment under title V of the Trade Act of 1974 (19
 20 U.S.C. 2461 et seq.; relating to generalized system of pref-
 21 erences).

22 (b) TECHNICAL ASSISTANCE.—The United States
 23 Trade Representative and the Commissioner of the United
 24 States Customs Service are authorized to provide technical
 25 assistance to UNTAET, the National Council of East

1 Timor, and the government of East Timor (after inde-
 2 pendence for East Timor) in order to assist East Timor
 3 to become eligible for duty-free treatment under title V
 4 of the Trade Act of 1974.

5 **SEC. 9. BILATERAL INVESTMENT TREATY.**

6 It is the sense of Congress that the President should
 7 seek to enter into a bilateral investment treaty with the
 8 United Nations Transitional Administration for East
 9 Timor (UNTAET), in close consultation with the National
 10 Council of East Timor, in order to establish a more stable
 11 legal framework for United States investment in East
 12 Timor.

13 **SEC. 10. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.**

14 (a) **AUTHORITY.**—The Secretary of State—

15 (1) is authorized to carry out an East Timorese
 16 scholarship program under the authorities of the
 17 United States Information and Educational Ex-
 18 change Act of 1948, the Mutual Educational and
 19 Cultural Exchange Act of 1961, Reorganization Plan
 20 Number 2 of 1977, and the National Endowment
 21 for Democracy Act; and

22 (2) shall make every effort to identify and pro-
 23 vide scholarships and other support to East Timor-
 24 ese students interested in pursuing undergraduate

1 and graduate studies at institutions of higher edu-
2 cation in the United States.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Department of
5 State, \$1,000,000 for the fiscal year 2002 and \$1,000,000
6 for the fiscal year 2003 to carry out subsection (a).

7 **SEC. 11. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FA-**
8 **CILITIES IN EAST TIMOR.**

9 (a) DEVELOPMENT OF DETAILED PLAN.—The Sec-
10 retary of State shall develop a detailed plan for the official
11 establishment of a United States diplomatic mission to
12 East Timor, with a view to—

13 (1) officially open a fully functioning, fully
14 staffed, adequately resourced, and securely main-
15 tained diplomatic mission in East Timor as soon as
16 possible;

17 (2) recognize East Timor, and establish diplo-
18 matic relations with East Timor, upon its independ-
19 ence; and

20 (3) ensure that a fully functioning, fully staffed,
21 adequately resourced, and securely maintained diplo-
22 matic mission is accredited to East Timor upon its
23 independence.

24 (b) REPORTS.—

1 (1) INITIAL REPORT.—Not later than three
2 months after the date of the enactment of this Act,
3 the Secretary of State shall submit to the Committee
4 on International Relations of the House of Rep-
5 resentatives and the Committee on Foreign Rela-
6 tions of the Senate a report that contains the de-
7 tailed plan described in subsection (a), including a
8 timetable for the official opening of a facility in Dili,
9 East Timor, the personnel requirements for the mis-
10 sion, the estimated costs for establishing the facility,
11 and its security requirements.

12 (2) SUBSEQUENT REPORTS.—Beginning six
13 months after the submission of the initial report
14 under paragraph (1), and every six months there-
15 after until January 1, 2004, the Secretary of State
16 shall submit to the committees specified in that
17 paragraph a report on the status of the implementa-
18 tion of the detailed plan described in subsection (a),
19 including any revisions to the plan (including its
20 timetable, costs, or requirements) that have been
21 made during the period covered by the report.

22 (3) FORM OF REPORT.—Each report submitted
23 under this subsection shall be in unclassified form,
24 with a classified annex as necessary.

1 **SEC. 12. SECURITY ASSISTANCE FOR EAST TIMOR.**

2 (a) AUTHORIZATION.—Beginning on the date on
3 which the President transmits to the Congress a certifi-
4 cation described in subsection (b), the President is
5 authorized—

6 (1) to transfer excess defense articles under
7 section 516 of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2321j) to East Timor in accordance with
9 such section; and

10 (2) to provide military education and training
11 under chapter 5 of part II of such Act (22 U.S.C.
12 2347 et seq.) for the armed forces of East Timor in
13 accordance with such chapter.

14 (b) CERTIFICATION.—A certification described in this
15 subsection is a certification that—

16 (1) East Timor has established an independent
17 armed forces; and

18 (2) the assistance proposed to be provided pur-
19 suant to subsection (a)—

20 (A) is in the national security interests of
21 the United States; and

22 (B) will promote both human rights in
23 East Timor and the professionalization of the
24 armed forces of East Timor.

25 (c) STUDY AND REPORT.—

1 (1) STUDY.—The President shall conduct a
2 study to determine—

3 (A) the extent to which East Timor’s secu-
4 rity needs can be met by the transfer of excess
5 defense articles under section 516 of the For-
6 eign Assistance Act of 1961;

7 (B) the extent to which international mili-
8 tary education and training (IMET) assistance
9 will enhance professionalism of the armed
10 forces of East Timor, provide training in
11 human rights, and promote respect for human
12 rights and humanitarian law; and

13 (C) the terms and conditions under which
14 such defense articles or training, as appro-
15 priate, should be provided.

16 (2) REPORT.—Not later than 1 month after the
17 date of enactment of this Act, the President shall
18 submit a report to the Committee on Foreign Rela-
19 tions and the Committee on Appropriations of the
20 Senate and the Committee on International Rela-
21 tions and the Committee on Appropriations of the
22 House of Representatives setting forth the findings
23 of the study conducted under paragraph (1).

1 **SEC. 13. AUTHORITY FOR RADIO BROADCASTING.**

2 The Broadcasting Board of Governors shall further
3 the communication of information and ideas through the
4 increased use of audio broadcasting to East Timor to en-
5 sure that radio broadcasting to that country serves as a
6 consistently reliable and authoritative source of accurate,
7 objective, and comprehensive news.

8 **SEC. 14. REPORTING REQUIREMENT.**

9 (a) IN GENERAL.—Not later than three months after
10 the date of the enactment of this Act, and every six
11 months thereafter until January 1, 2004, the Secretary
12 of State, in coordination with the Administrator of the
13 United States Agency for International Development, the
14 Secretary of the Treasury, the United States Trade Rep-
15 resentative, the Secretary of Commerce, the Overseas Pri-
16 vate Investment Corporation, the Director of the Trade
17 and Development Agency, the President of the Export-Im-
18 port Bank of the United States, the Secretary of Agri-
19 culture, and the Director of the Peace Corps, shall prepare
20 and transmit to the Committee on International Relations
21 of the House of Representatives and the Committee on
22 Foreign Relations of the Senate a report that contains the
23 information described in subsection (b).

24 (b) INFORMATION.—The report required by sub-
25 section (a) shall include—

1 (1) developments in East Timor's political and
2 economic situation in the period covered by the re-
3 port, including an evaluation of any elections occur-
4 ring in East Timor and the refugee reintegration
5 process in East Timor;

6 (2)(A) in the initial report, a 3-year plan for
7 United States foreign assistance to East Timor in
8 accordance with section 4, prepared by the Adminis-
9 trator of the United States Agency for International
10 Development, which outlines the goals for United
11 States foreign assistance to East Timor during the
12 3-year period; and

13 (B) in each subsequent report, a description in
14 detail of the expenditure of United States bilateral
15 foreign assistance during the period covered by each
16 such report;

17 (3) a description of the activities undertaken in
18 East Timor by the International Bank for Recon-
19 struction and Development, the Asian Development
20 Bank, and other international financial institutions,
21 and an evaluation of the effectiveness of these activi-
22 ties;

23 (4) an assessment of—

24 (A) the status of United States trade and
25 investment relations with East Timor, including

1 a detailed analysis of any trade and investment-
2 related activity supported by the Overseas Pri-
3 vate Investment Corporation, the Export-Im-
4 port Bank of the United States, and the Trade
5 and Development Agency during the period of
6 time since the previous report; and

7 (B) the status of any negotiations with the
8 United Nations Transitional Administration for
9 East Timor (UNTAET) or East Timor to fa-
10 cilitate the operation of the United States trade
11 agencies in East Timor;

12 (5) the nature and extent of United States-East
13 Timor cultural, education, scientific, and academic
14 exchanges, both official and unofficial, and any
15 Peace Corps activities;

16 (6) a comprehensive study and report on local
17 agriculture in East Timor, emerging opportunities
18 for producing, processing, and exporting indigenous
19 agricultural products, and recommendations for ap-
20 propriate technical assistance from the United
21 States; and

22 (7) statistical data drawn from other sources on
23 economic growth, health, education, and distribution
24 of resources in East Timor.

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