

108TH CONGRESS
1ST SESSION

H. R. 1950

To authorize appropriations for the Department of State for the 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.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2003

Mr. HYDE (for himself, Mr. LANTOS, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To authorize appropriations for the Department of State for the 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.

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 “Foreign Relations Au-
5 thorization Act, Fiscal Years 2004 and 2005”.

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

3 (a) ORGANIZATION OF ACT INTO DIVISIONS.—This
 4 Act is organized into two divisions as follows:

5 (1) DIVISION A.—Department of State Author-
 6 ization Act, Fiscal Years 2004 and 2005.

7 (2) DIVISION B.—Defense Trade and Security
 8 Assistance Reform Act of 2003.

9 (b) The table of contents for this Act is as follows:

Sec. 1. Short title.

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

Sec. 3. Definitions.

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

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

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

Subtitle A—United States Public Diplomacy

Sec. 201. Findings and purposes.

Sec. 202. Public diplomacy responsibilities of the Department of State.

Sec. 203. Annual plan on public diplomacy strategy.

Sec. 204. Public diplomacy training.

Sec. 205. United States Advisory Commission on Public Diplomacy.

Sec. 206. Library program.

Sec. 207. Sense of Congress concerning public diplomacy efforts in sub-Saharan Africa.

Subtitle B—Basic Authorities and Activities

Sec. 221. United States policy with respect to Jerusalem as the capital of Israel.

Sec. 222. Continuation of reporting requirements.

Sec. 223. Report concerning efforts to promote Israel's diplomatic relations with other countries.

Sec. 224. Reimbursement rate for airlift services provided 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. Security capital cost sharing.

Sec. 228. Authority to issue administrative subpoenas.

Subtitle C—Educational and Cultural Authorities

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.

Subtitle D—Consular Authorities

Sec. 271. Machine readable visas.

Sec. 272. Processing of visa applications.

Sec. 273. Staffing at diplomatic missions.

TITLE III—ORGANIZATION AND PERSONNEL OF THE
DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program.

Sec. 302. Claims for lost pay.

Sec. 303. Ombudsman for the Department of State.

Sec. 304. Repeal of recertification requirement for senior foreign service.

Sec. 305. Report concerning status of employees of State Department.

Sec. 306. Home leave.

Sec. 307. Increased limits applicable to post differentials and danger pay allowances.

Sec. 308. Regulations regarding retirement credit for government service performed abroad.

Sec. 309. Minority recruitment.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—Basic Authorities and Activities

Sec. 401. Raising the cap on peacekeeping contributions.

Sec. 402. Regarding the reentry of the United States in UNESCO.

Sec. 403. UNESCO national commission.

Sec. 404. Organization of American States (OAS) emergency fund.

Sec. 405. United States efforts regarding the status of Israel in the Western European and Others Group at the United Nations.

Subtitle B—United States International Leadership

Sec. 431. Short title.
 Sec. 432. Findings.
 Sec. 433. Establishment of a democracy caucus.
 Sec. 434. Annual diplomatic missions on multilateral issues.
 Sec. 435. Leadership and membership of international organizations.
 Sec. 436. Increased training in multilateral diplomacy.
 Sec. 437. Promoting assignments to international organizations.
 Sec. 438. Implementation and establishment of office on multilateral negotiations.
 Sec. 439. Synchronization of United States contributions to international organizations.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING
 ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 501. Mideast Radio and Television Network, Inc.
 Sec. 502. Improving signal delivery to Cuba.
 Sec. 503. Report concerning efforts to counter jamming of broadcasts of Radio Marti and TV Marti.

Subtitle B—Global Internet Freedom

Sec. 521. Short title.
 Sec. 522. Findings.
 Sec. 523. Purposes.
 Sec. 524. Development and deployment of technologies to defeat Internet jamming and censorship.

Subtitle C—Reorganization of United States International Broadcasting

Sec. 531. Establishment of United States International Broadcasting Agency.
 Sec. 532. Authorities and functions of the agency.
 Sec. 533. Role of the Secretary of State.
 Sec. 534. Administrative provisions.
 Sec. 535. Broadcasting Board of Governors and International Broadcasting Bureau.
 Sec. 536. Transition.
 Sec. 537. Conforming amendments.
 Sec. 538. References.
 Sec. 539. Broadcasting standards.
 Sec. 540. Effective date.

TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

Sec. 601. Short title.
 Sec. 602. Definitions.
 Sec. 603. Findings.
 Sec. 604. Statements of policy.
 Sec. 605. Coordinator for International Free Media.
 Sec. 606. United States Advisory Commission on Public Diplomacy and International Media.

- Sec. 607. International Free Media Fund.
 Sec. 608. Free media promotion activity of the Broadcasting Board of Governors.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—Reporting Requirements

- Sec. 701. Reports on benchmarks for Bosnia.
 Sec. 702. Reports to Committee on International Relations.
 Sec. 703. Reports concerning the capture and prosecution of paramilitary and other terrorist leaders in Colombia.
 Sec. 704. Reports relating to Magen David Adom Society.
 Sec. 705. Report concerning the return of portraits of Holocaust victims to the artist Dina Babbitt.
 Sec. 706. Report to Congress on use of vested assets.
 Sec. 707. Report concerning the conflict in Uganda.

Subtitle B—Other Matters

- Sec. 721. Sense of Congress relating to East Timor, justice, and rehabilitation.
 Sec. 722. Sense of Congress concerning human rights and justice in Indonesia.
 Sec. 723. Amendment to the International Religious Freedom Act of 1998.
 Sec. 724. Sense of Congress with respect to human rights in Central Asia.
 Sec. 725. Technical correction to authorization of appropriations for fiscal year 2003 for Center for Cultural and Technical Interchange Between East and West.

DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003

TITLE X—GENERAL PROVISIONS

- Sec. 1001. Short title.
 Sec. 1002. Definitions.
 Sec. 1003. References to Arms Export Control Act.

TITLE XI—TERRORIST-RELATED PROHIBITIONS AND ENFORCEMENT MEASURES

- Sec. 1101. Eligibility provisions.
 Sec. 1102. Weapons transfers to foreign persons in the United States.
 Sec. 1103. Coordination of license exemptions with United States law enforcement agencies.
 Sec. 1104. Mechanisms to identify persons in violation of certain provisions of law.
 Sec. 1105. Comprehensive nature of United States arms embargoes.
 Sec. 1106. Transactions with countries supporting acts of international terrorism.
 Sec. 1107. Amendments to control of arms exports and imports.
 Sec. 1108. High risk exports and end use verification.
 Sec. 1109. Concurrent jurisdiction of the Federal Bureau of Investigation.
 Sec. 1110. Report on foreign-supplied defense articles, defense services, and dual use goods and technology discovered in Iraq.

TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS

- Sec. 1201. Control of items on Missile Technology Control Regime Annex.

- Sec. 1202. Certifications relating to export of certain defense articles and services.
- Sec. 1203. Notification requirements for technical assistance and manufacturing licensing agreements with NATO member countries, Australia, New Zealand, and Japan.
- Sec. 1204. Strengthening defense cooperation with Australia and the United Kingdom.
- Sec. 1205. Training and liaison for small businesses.
- Sec. 1206. Study and report relating to co-locating munitions control functions of the Departments of State, Defense, and Homeland Security.

TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

Subtitle A—Foreign Military Sales and Financing Authorities

- Sec. 1301. Authorization of appropriations.
- Sec. 1302. Provision of cataloging data and services.
- Sec. 1303. Annual estimate and justification for sales program.
- Sec. 1304. Adjustment to advance notification requirement for transfer of certain excess defense articles.

Subtitle B—International Military Education and Training

- Sec. 1311. Authorization of appropriations.
- Sec. 1312. Annual foreign military training reporting.

Subtitle C—Assistance for Select Countries

- Sec. 1321. Assistance for Israel.
- Sec. 1322. Assistance for Egypt.

Subtitle D—International Narcotics Control Assistance

- Sec. 1331. Additional authorities relating to international narcotics control assistance.
- Sec. 1332. United States opium eradication program in Colombia.

Subtitle E—Miscellaneous Provisions

- Sec. 1341. United States War Reserve Stockpiles for Allies.
- Sec. 1342. Transfer to Israel of certain defense articles in the United States War Reserve Stockpiles for Allies.
- Sec. 1343. Expansion of authorities for loan of material, supplies, and equipment for research and development purposes.
- Sec. 1344. Assistance for demining and related activities.
- Sec. 1345. Cooperative Development Program.
- Sec. 1346. West Bank and Gaza program.
- Sec. 1347. Annual human rights country reports on incitement to acts of discrimination.
- Sec. 1348. Assistance to East Timor.
- Sec. 1349. Support for democracy-building efforts for Cuba.
- Sec. 1350. Amendment to the Afghanistan Freedom Support Act of 2002.
- Sec. 1351. Congo Basin Forest Partnership.
- Sec. 1352. Combatting the piracy of United States copyrighted materials.
- Sec. 1353. Reports relating to Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.

- Sec. 1354. Statement of House of Representatives regarding the Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
- Sec. 1355. Nonproliferation and Disarmament Fund.
- Sec. 1356. Maritime interdiction patrol boats for Mozambique.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

- Sec. 1401. Short title.

Subtitle A—Strengthening International Missile Nonproliferation Law

- Sec. 1411. Findings.
- Sec. 1412. Policy of the United States.
- Sec. 1413. Sense of Congress.

Subtitle B—Strengthening United States Missile Nonproliferation Law

- Sec. 1421. Probationary period for foreign persons.
- Sec. 1422. Strengthening United States missile proliferation sanctions on foreign persons.
- Sec. 1423. Comprehensive United States missile proliferation sanctions on all responsible persons.

Subtitle C—Incentives for Missile Threat Reduction

- Sec. 1431. Foreign assistance.
- Sec. 1432. Authorization of appropriations.
- Sec. 1433. Authorization of technical assistance in missile disarmament.

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.

1 **DIVISION A—DEPARTMENT OF**
2 **STATE AUTHORIZATION ACT,**
3 **FISCAL YEARS 2004 AND 2005**

4 **SEC. 101. SHORT TITLE.**

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

7 **TITLE I—AUTHORIZATIONS OF**
8 **APPROPRIATIONS**

9 **Subtitle A—Department of State**

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

11 (a) IN GENERAL.—The following amounts are au-
12 thorized to be appropriated for the Department under
13 “Administration of Foreign Affairs” to carry out the au-
14 thorities, functions, duties, and responsibilities in the con-
15 duct of the foreign affairs of the United States, and for
16 other purposes authorized by law, including public diplo-
17 macy activities and the diplomatic security program:

18 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

19 (A) AUTHORIZATION OF APPROPRIA-
20 TIONS.—For “Diplomatic and Consular Pro-
21 grams”, \$4,187,544,000 for the fiscal year
22 2004 and \$4,438,796,000 for the fiscal year
23 2005.

24 (B) PUBLIC DIPLOMACY.—

1 (i) IN GENERAL.—Of the amounts au-
2 thorized to be appropriated by subpara-
3 graph (A), \$320,930,000 for the fiscal
4 year 2004 and \$329,838,000 for the fiscal
5 year 2005 is authorized to be appropriated
6 for public diplomacy.

7 (ii) IMPROVEMENTS IN PUBLIC DIPLO-
8 MACY PROGRAMS.—Of the amounts author-
9 ized to be appropriated under clause (i)
10 \$20,000,000 for the fiscal year 2004 and
11 \$20,000,000 for the fiscal year 2005 is au-
12 thorized to be available for improvements
13 and modernization of public diplomacy pro-
14 grams and activities of the Department of
15 State.

16 (iii) TRANSLATION SERVICES.—Of the
17 amounts authorized to be appropriated
18 under clause (i), \$4,000,000 for the fiscal
19 year 2004 and \$4,000,000 for the fiscal
20 year 2005 is authorized to be available for
21 translation services available to public af-
22 fairs officers in overseas posts.

23 (C) WORLDWIDE SECURITY UPGRADES.—
24 Of the amounts authorized to be appropriated
25 by subparagraph (A), \$646,701,000 for the fis-

1 cal year 2004 and \$679,036,000 for the fiscal
2 year 2005 is authorized to be appropriated for
3 worldwide security upgrades.

4 (D) BUREAU OF DEMOCRACY, HUMAN
5 RIGHTS, AND LABOR.—Of the amounts author-
6 ized to be appropriated by subparagraph (A),
7 \$20,000,000 for the fiscal year 2004 and
8 \$20,000,000 for the fiscal year 2005 is author-
9 ized to be appropriated for salaries and ex-
10 penses of the Bureau of Democracy, Human
11 Rights, and Labor.

12 (E) RECRUITMENT OF MINORITY
13 GROUPS.—Of the amount authorized to be ap-
14 propriated by subparagraph (A), \$2,000,000 for
15 the fiscal year 2004 and \$2,000,000 for the fis-
16 cal year 2005 is authorized to be appropriated
17 for the recruitment of members of minority
18 groups for careers in the Foreign Service and
19 international affairs.

20 (2) CAPITAL INVESTMENT FUND.—For “Cap-
21 ital Investment Fund”, \$157,000,000 for the fiscal
22 year 2004 and \$161,710,000 for the fiscal year
23 2005.

24 (3) EMBASSY SECURITY, CONSTRUCTION AND
25 MAINTENANCE.—

1 (A) IN GENERAL.—For “Embassy Secu-
2 rity, Construction and Maintenance”,
3 \$653,000,000 for the fiscal year 2004 and
4 \$784,000,000 for the fiscal year 2005, in addi-
5 tion to amounts otherwise authorized to be ap-
6 propriated for such purpose by section 604 of
7 the Admiral James W. Nance and Meg Dono-
8 van Foreign Relations Authorization Act, Fiscal
9 Years 2000 and 2001 (as enacted into law by
10 section 1000(a)(7) of Public Law 106–113 and
11 contained in appendix G of that Act; 113 Stat.
12 1501A–470).

13 (B) AMENDMENT OF THE NANCE-DONO-
14 VAN FOREIGN RELATIONS AUTHORIZATION
15 ACT.—Section 604(a) of the Admiral James W.
16 Nance and Meg Donovan Foreign Relations Au-
17 thorization Act, Fiscal Years 2000 and 2001
18 (113 Stat. 1501A–453) is amended—

19 (i) at the end of paragraph (4) by
20 striking “and”;

21 (ii) in paragraph (5) by striking
22 “\$900,000,000.” and inserting
23 “\$1,000,000,000; and”; and

24 (iii) by inserting after paragraph (5)
25 the following:

1 “(6) for fiscal year 2005,
2 \$1,000,000,000.”.

3 (4) REPRESENTATION ALLOWANCES.—For
4 “Representation Allowances”, \$9,000,000 for the
5 fiscal year 2004 and \$9,000,000 for the fiscal year
6 2005.

7 (5) PROTECTION OF FOREIGN MISSIONS AND
8 OFFICIALS.—For “Protection of Foreign Missions
9 and Officials”, \$10,000,000 for the fiscal year 2004
10 and \$10,000,000 for the fiscal year 2005.

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

16 (7) REPATRIATION LOANS.—For “Repatriation
17 Loans”, \$1,219,000 for the fiscal year 2004 and
18 \$1,219,000 for the fiscal year 2005.

19 (8) PAYMENT TO THE AMERICAN INSTITUTE IN
20 TAIWAN.—For “Payment to the American Institute
21 in Taiwan”, \$19,773,000 for the fiscal year 2004
22 and \$20,761,000 for the fiscal year 2005.

23 (9) OFFICE OF THE INSPECTOR GENERAL.—
24 For “Office of the Inspector General”, \$31,703,000

1 for the fiscal year 2004 and \$32,654,000 for the fis-
2 cal year 2005.

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

7 **SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL**
8 **PROGRAMS.**

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

22 (b) EDUCATIONAL AND CULTURAL EXCHANGE PRO-
23 GRAMS.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—For
25 “Educational and Cultural Exchange Programs”,

1 \$393,000,000 for the fiscal year 2004 and
2 \$405,000,000 for the fiscal year 2005.

3 (2) PROGRAMS IN EASTERN EUROPE AND
4 FORMER SOVIET UNION.—Of the amounts author-
5 ized to be appropriated under paragraph (1),
6 \$150,000,000 for the fiscal year 2004 and
7 \$150,000,000 for the fiscal year 2005 is authorized
8 to be available for programs in Eastern Europe and
9 countries of the former Soviet Union.

10 (3) ACADEMIC EXCHANGE PROGRAMS.—

11 (A) IN GENERAL.—Of the amounts author-
12 ized to be appropriated under paragraph (1),
13 \$142,000,000 for the fiscal year 2004 and
14 \$142,000,000 for the fiscal year 2005 is au-
15 thorized to be available for the “Academic Ex-
16 change Programs” (other than programs de-
17 scribed in paragraph (4)).

18 (B) HIV/AIDS INITIATIVE.—Of the
19 amounts authorized to be available under sub-
20 paragraph (A), \$1,000,000 for the fiscal year
21 2004 and \$1,000,000 for the fiscal year 2005
22 is authorized to be available for HIV/AIDS re-
23 search and mitigation strategies.

24 (C) FULBRIGHT ENGLISH TEACHING AS-
25 SISTANT PROGRAM IN KOREA.—Of the amounts

1 authorized to be available by subparagraph (A),
2 \$750,000 for the fiscal year 2004 and
3 \$750,000 for the fiscal year 2005 is authorized
4 to be available for the Fulbright English Teach-
5 ing Assistant Program in Korea, which sends
6 United States citizen students to serve as
7 English language teaching assistants at Korean
8 colleges and high schools.

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

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

17 (A) IN GENERAL.—Of the amounts author-
18 ized to be appropriated under paragraph (1),
19 \$110,000,000 for the fiscal year 2004 and
20 \$110,000,000 for the fiscal year 2005 is au-
21 thorized to be available for other educational
22 and cultural exchange programs authorized by
23 law.

24 (B) INITIATIVES FOR PREDOMINANTLY
25 MUSLIM COUNTRIES.—Of the amounts author-

1 ized to be available under subparagraph (A),
2 \$35,000,000 for the fiscal year 2004 and
3 \$35,000,000 for the fiscal year 2005 is author-
4 ized to be available for initiatives for predomi-
5 nantly Muslim countries established under sec-
6 tion 251.

7 (C) TIBETAN EXCHANGES.—Of the
8 amounts authorized to be available under sub-
9 paragraph (A), \$500,000 for the fiscal year
10 \$500,000 for the fiscal year 2005 is
11 authorized to be available for “Ngawang
12 Choephel Exchange Programs” (formerly
13 known as “programs of educational and cul-
14 tural exchange between the United States and
15 the people of Tibet”) under section 103(a) of
16 the Human Rights, Refugee, and Other Foreign
17 Relations Provisions Act of 1996 (Public Law
18 104–319).

19 (D) EAST TIMORESE SCHOLARSHIPS.—Of
20 the amounts authorized to be available under
21 subparagraph (A), \$500,000 for the fiscal year
22 2004 and \$500,000 for the fiscal year 2005 is
23 authorized to be available for “East Timorese
24 Scholarships”.

1 (E) SOUTH PACIFIC EXCHANGES.—Of the
2 amounts authorized to be available under sub-
3 paragraph (A), \$750,000 for the fiscal year
4 2004 and \$750,000 for the fiscal year 2005 is
5 authorized to be available for “South Pacific
6 Exchanges”.

7 (F) SUDANESE SCHOLARSHIPS.—Of the
8 amounts authorized to be available under sub-
9 paragraph (A), \$500,000 for the fiscal year
10 2004 and \$500,000 for the fiscal year 2005 is
11 authorized to be available for scholarships for
12 students from southern Sudan for secondary or
13 postsecondary education in the United States,
14 to be known as “Sudanese Scholarships”.

15 (G) SUMMER INSTITUTES FOR KOREAN
16 STUDENTS.—Of the amounts authorized to be
17 available under subparagraph (A), \$750,000 for
18 the fiscal year 2004 and \$750,000 for the fiscal
19 year 2005 is authorized to be available for sum-
20 mer academic study programs in the United
21 States (focusing on United States political sys-
22 tems, government institutions, society, and
23 democratic culture) for college and university
24 students from the Republic of Korea, to be

1 known as the “United States Summer Insti-
2 tutes for Korean Student Leaders”.

3 (H) SCHOLARSHIPS FOR INDIGENOUS PEO-
4 PLES OF MEXICO AND CENTRAL AND SOUTH
5 AMERICA.—Of the amounts authorized to be
6 available under subparagraph (A), \$400,000 for
7 the fiscal year 2004 and \$400,000 for the fiscal
8 year 2005 is authorized to be available for
9 scholarships for secondary and postsecondary
10 education in the United States for students
11 from Mexico and the countries of Central and
12 South America who are from the indigenous
13 peoples of the region.

14 (c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

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

18 (2) INITIATIVES FOR PREDOMINANTLY MUSLIM
19 COUNTRIES.—Of the amounts authorized to be ap-
20 propriated under paragraph (1), \$5,000,000 for the
21 fiscal year 2004 and \$5,000,000 for the fiscal year
22 2005 is authorized to be available for the National
23 Endowment for Democracy to fund programs that
24 promote democracy, good governance, the rule of
25 law, independent media, religious tolerance, the

1 rights of women, and strengthening of civil society
2 in countries of predominantly Muslim population
3 within the jurisdiction of the Bureau of Near East-
4 ern Affairs of the Department of State.

5 (d) CENTER FOR CULTURAL AND TECHNICAL INTER-
6 CHANGE BETWEEN EAST AND WEST.—For the “Center
7 for Cultural and Technical Interchange between East and
8 West”, \$14,280,000 for the fiscal year 2004 and
9 \$14,280,000 for the fiscal year 2005.

10 (e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For
11 the “Reagan-Fascell Democracy Fellows”, for fellowships
12 for democracy activists and scholars from around the
13 world at the International Forum for Democratic Studies
14 in Washington, D.C., to study, write, and exchange views
15 with other activists and scholars and with Americans,
16 \$1,000,000 for the fiscal year 2004 and \$1,000,000 for
17 the fiscal year 2005.

18 (f) BENJAMIN GILMAN INTERNATIONAL SCHOLAR-
19 SHIP PROGRAM.—Section 305 of the Microenterprise for
20 Self-Reliance and International Anti-Corruption Act of
21 2000 (22 U.S.C. 2462 note) is amended by striking
22 “\$1,500,000” and inserting “\$2,500,000”.

1 **SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
2 **TIONS.**

3 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
4 ORGANIZATIONS.—There is authorized to be appropriated
5 under the heading “Contributions to International Organi-
6 zations” \$1,010,463,000 for the fiscal year 2004 and
7 \$1,040,776,000 for the fiscal year 2005 for the Depart-
8 ment to carry out the authorities, functions, duties, and
9 responsibilities in the conduct of the foreign affairs of the
10 United States with respect to international organizations
11 and to carry out other authorities in law consistent with
12 such purposes.

13 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
14 KEEPING ACTIVITIES.—There is authorized to be appro-
15 priated under the heading “Contributions for Inter-
16 national Peacekeeping Activities” \$550,200,000 for the
17 fiscal year 2004 and such sums as may be necessary for
18 the fiscal year 2005 for the Department to carry out the
19 authorities, functions, duties, and responsibilities in the
20 conduct of the foreign affairs of the United States with
21 respect to international peacekeeping activities and to
22 carry out other authorities in law consistent with such
23 purposes.

24 (c) FOREIGN CURRENCY EXCHANGE RATES.—

25 (1) AUTHORIZATION OF APPROPRIATIONS.—In
26 addition to the amounts authorized to be appro-

1 appropriated by subsection (a), there is authorized to be
2 appropriated such sums as may be necessary for the
3 fiscal years 2004 and 2005 to offset adverse fluctua-
4 tions in foreign currency exchange rates.

5 (2) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated under this subsection may be available for
7 obligation and expenditure only to the extent that
8 the Director of the Office of Management and Budg-
9 et determines and certifies to the appropriate con-
10 congressional committees that such amounts are nec-
11 essary due to such fluctuations.

12 (d) REFUND OF EXCESS CONTRIBUTIONS.—The
13 United States shall continue to insist that the United Na-
14 tions and its specialized and affiliated agencies shall credit
15 or refund to each member of the organization or agency
16 concerned its proportionate share of the amount by which
17 the total contributions to the organization or agency ex-
18 ceed the expenditures of the regular assessed budget of
19 the organization or agency.

20 **SEC. 114. INTERNATIONAL COMMISSIONS.**

21 The following amounts are authorized to be appro-
22 priated under “International Commissions” for the De-
23 partment to carry out the authorities, functions, duties,
24 and responsibilities in the conduct of the foreign affairs

1 of the United States with respect to international commis-
2 sions, and for other purposes authorized by law:

3 (1) INTERNATIONAL BOUNDARY AND WATER
4 COMMISSION, UNITED STATES AND MEXICO.—For
5 “International Boundary and Water Commission,
6 United States and Mexico”—

7 (A) for “Salaries and Expenses”,
8 \$31,562,000 for the fiscal year 2004 and
9 \$31,562,000 for the fiscal year 2005; and

10 (B) for “Construction”, \$8,901,000 for the
11 fiscal year 2004 and \$8,901,000 for the fiscal
12 year 2005.

13 (2) INTERNATIONAL BOUNDARY COMMISSION,
14 UNITED STATES AND CANADA.—For “International
15 Boundary Commission, United States and Canada”,
16 \$1,261,000 for the fiscal year 2004 and \$1,261,000
17 for the fiscal year 2005.

18 (3) INTERNATIONAL JOINT COMMISSION.—For
19 “International Joint Commission”, \$7,810,000 for
20 the fiscal year 2004 and \$7,810,000 for the fiscal
21 year 2005.

22 (4) INTERNATIONAL FISHERIES COMMIS-
23 SIONS.—For “International Fisheries Commissions”,
24 \$20,043,000 for the fiscal year 2004 and
25 \$20,043,000 for the fiscal year 2005.

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

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated for the Department for “Migration and Refugee
4 Assistance” for authorized activities, \$760,197,000 for the
5 fiscal year 2004 and \$813,197,000 for the fiscal year
6 2005.

7 (b) REFUGEES RESETTLING IN ISRAEL.—Of the
8 amount authorized to be appropriated by subsection (a),
9 \$50,000,000 for the fiscal year 2004 and \$50,000,000 for
10 the fiscal year 2005 is authorized to be available for the
11 resettlement of refugees in Israel.

12 (c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of
13 the amount authorized to be appropriated by subsection
14 (a), \$2,000,000 for the fiscal year 2004 and \$2,000,000
15 for the fiscal year 2005 is authorized to be available for
16 humanitarian assistance, including food, medicine, cloth-
17 ing, and medical and vocational training, to Tibetan refu-
18 gees in India and Nepal who have fled Chinese-occupied
19 Tibet.

20 (d) HUMANITARIAN ASSISTANCE FOR DISPLACED
21 BURMESE.—Of the amount authorized to be appropriated
22 by subsection (a), \$2,000,000 for the fiscal year 2004 and
23 \$2,000,000 for the fiscal year 2005 is authorized to be
24 available for humanitarian assistance (including food,
25 medicine, clothing, and medical and vocational training)

1 to persons displaced as a result of civil conflict in Burma,
2 including persons still within Burma.

3 (e) AVAILABILITY OF FUNDS.—Funds appropriated
4 pursuant to this section are authorized to remain available
5 until expended.

6 **SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTER-**
7 **NATIONAL ORGANIZATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated for the Department of State
10 for “Voluntary Contributions to International Organiza-
11 tions”, \$317,550,000 for the fiscal year 2004 and
12 \$320,000,000 for the fiscal year 2005.

13 (b) UNITED NATIONS VOLUNTARY FUND FOR VIC-
14 TIMS OF TORTURE.—Of the amounts authorized to be ap-
15 propriated under subsection (a), \$6,000,000 for the fiscal
16 year 2004 and \$7,000,000 for the fiscal year 2005 is au-
17 thorized to be available for a United States voluntary con-
18 tribution to the United Nations Voluntary Fund for Vic-
19 tims of Torture.

20 (c) ORGANIZATION OF AMERICAN STATES.—Of the
21 amounts authorized to be appropriated under subsection
22 (a) \$2,000,000 for fiscal years 2004 and 2005 is author-
23 ized to be available for a United States voluntary contribu-
24 tion to the Organization of American States for the Inter-
25 American Committee Against Terrorism (CICTE) to iden-

1 tify and develop a port in the Latin American and Carib-
2 bean region into a model of best security practices and
3 appropriate technologies for improving port security in the
4 Western Hemisphere. Amounts authorized to be available
5 by the preceding sentence are authorized to remain avail-
6 able until expended and are in addition to amounts other-
7 wise available to carry out section 301 of the Foreign As-
8 sistance Act of 1961 (22 U.S.C. 2221).

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

11 (1) LIMITATION.—Of the amounts made avail-
12 able under subsection (a) for each of the fiscal years
13 2004 and 2005 for United States contributions to
14 the United Nations Development Program an
15 amount equal to the amount the United Nations De-
16 velopment Program will spend in Burma during each
17 fiscal year shall be withheld unless during such fiscal
18 year the Secretary of State submits to the appro-
19 priate congressional committees the certification de-
20 scribed in paragraph (2).

21 (2) CERTIFICATION.—The certification referred
22 to in paragraph (1) is a certification by the Sec-
23 retary of State that all programs and activities of
24 the United Nations Development Program (including

1 United Nations Development Program—Adminis-
2 tered Funds) in Burma—

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

5 (B) are undertaken only through inter-
6 national or private voluntary organizations that
7 have been deemed independent of the State
8 Peace and Development Council (SPDC) (for-
9 merly known as the State Law and Order Res-
10 toration Council (SLORC)), after consultation
11 with the leadership of the National League for
12 Democracy and the leadership of the National
13 Coalition Government of the Union of Burma;

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

16 (D) are carried out only after consultation
17 with the leadership of the National League for
18 Democracy and the leadership of the National
19 Coalition Government of the Union of Burma.

20 **SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTER-**
21 **NATIONAL PEACEKEEPING ACTIVITIES.**

22 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
23 authorized to be appropriated for the Department of State
24 for “Voluntary Contributions for International Peace-

1 keeping”, \$110,000,000 for the fiscal year 2004 and
2 \$110,000,000 for the fiscal year 2005.

3 (b) PEACEKEEPING IN AFRICA.—Of the amounts au-
4 thorized to be appropriated under subsection (a),
5 \$40,000,000 for the fiscal year 2004 and \$40,000,000 for
6 the fiscal year 2005 is authorized to be appropriated for
7 peacekeeping activities in Africa.

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

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

12 “SEC. 404. There is authorized to be appropriated
13 to the Secretary of State \$18,000,000 for the fiscal year
14 2004 and \$18,000,000 for the fiscal year 2005 for grants
15 to The Asia Foundation pursuant to this title.”.

16 **Subtitle B—United States Inter-**
17 **national Broadcasting Activities**

18 **SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

19 The following amounts are authorized to be appro-
20 priated to carry out United States Government broad-
21 casting activities under the United States Information and
22 Educational Exchange Act of 1948, the United States
23 International Broadcasting Act of 1994, the Radio Broad-
24 casting to Cuba Act, the Television Broadcasting to Cuba
25 Act, and the Foreign Affairs Reform and Restructuring

1 Act of 1998, and to carry out other authorities in law con-
2 sistent with such purposes:

3 (1) INTERNATIONAL BROADCASTING OPER-
4 ATIONS.—

5 (A) IN GENERAL.—For “International
6 Broadcasting Operations”, \$618,854,000 for
7 the fiscal year 2004 and \$612,146,000 for the
8 fiscal year 2005.

9 (B) ALLOCATION OF FUNDS.—Of the
10 amounts authorized to be appropriated by sub-
11 paragraph (A), there is authorized to be avail-
12 able for Radio Free Asia \$30,000,000 for the
13 fiscal year 2004 and \$30,000,000 for the fiscal
14 year 2005.

15 (C) OFFICE OF GLOBAL INTERNET FREE-
16 DOM.—Of the amounts authorized to be appro-
17 priated by subparagraph (A), there is author-
18 ized to be available for the Broadcasting Board
19 of Governors for the establishment and oper-
20 ations of the Office of Global Internet Freedom
21 under section 524(a) \$8,000,000 for the fiscal
22 year 2004 and \$8,000,000 for the fiscal year
23 2005.

24 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
25 For “Broadcasting Capital Improvements”,

1 \$11,395,000 for the fiscal year 2004 and
2 \$11,395,000 for the fiscal year 2005.

3 (3) BROADCASTING TO CUBA.—For “Broad-
4 casting to Cuba”, \$26,901,000 for the fiscal year
5 2004 and \$27,439,000 for the fiscal year 2005.

6 **TITLE II—DEPARTMENT OF**
7 **STATE AUTHORITIES AND AC-**
8 **TIVITIES**

9 **Subtitle A—United States Public**
10 **Diplomacy**

11 **SEC. 201. FINDINGS AND PURPOSES.**

12 (a) FINDINGS.—The Congress makes the following
13 findings:

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

19 (2) Misinformation and hostile propaganda in
20 these countries regarding the United States and its
21 foreign policy endanger the interests of the United
22 States. Existing efforts to counter such misinforma-
23 tion and propaganda are inadequate and must be
24 greatly enhanced in both scope and substance.

1 (3) United States foreign policy has been ham-
2 pered by an insufficient consideration of the impor-
3 tance of public diplomacy in the formulation and im-
4 plementation of that policy and by the underuse of
5 modern communication techniques.

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

9 (5) The development of an operational strategy
10 and a coordinated effort by United States agencies
11 regarding public diplomacy would greatly enhance
12 United States foreign policy.

13 (6) The Secretary of State has undertaken ef-
14 forts to ensure that of the new positions established
15 at the Department of State after September 30,
16 2002, a significant proportion are for public diplo-
17 macy.

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

21 **SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**
22 **DEPARTMENT OF STATE.**

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

1 **“SEC. 59. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**
2 **DEPARTMENT OF STATE.**

3 “(a) IN GENERAL.—The Secretary of State shall
4 make public diplomacy an integral component in the plan-
5 ning and execution of United States foreign policy. The
6 Department of State, in coordination with the United
7 States International Broadcasting Agency, shall develop a
8 comprehensive strategy for the use of public diplomacy re-
9 sources and assume a prominent role in coordinating the
10 efforts of all Federal agencies involved in public diplo-
11 macy. Public diplomacy efforts shall be addressed to devel-
12 oped and developing countries, to select and general audi-
13 ences, and shall utilize all available media to ensure that
14 the foreign policy of the United States is properly ex-
15 plained and understood not only by the governments of
16 countries but also by their peoples, with the objective of
17 enhancing support for United States foreign policy. The
18 Secretary shall ensure that the public diplomacy strategy
19 of the United States is cohesive and coherent and shall
20 aggressively and through the most effective mechanisms
21 counter misinformation and propaganda concerning the
22 United States. The Secretary shall endeavor to articulate
23 the importance in American foreign policy of the guiding
24 principles and doctrines of the United States, particularly
25 freedom and democracy. The Secretary, in coordination
26 with the Board of Governors of the United States Inter-

1 national Broadcasting Agency, shall develop and articulate
2 long-term measurable objectives for United States public
3 diplomacy. The Secretary is authorized to produce and
4 distribute public diplomacy programming for distribution
5 abroad in order to achieve public diplomacy objectives, in-
6 cluding through satellite communication, the Internet, and
7 other established and emerging communications tech-
8 nologies.

9 “(b) INFORMATION CONCERNING UNITED STATES
10 ASSISTANCE.—

11 “(1) IDENTIFICATION OF ASSISTANCE.—In co-
12 operation with the United States Agency for Inter-
13 national Development (USAID) and other public
14 and private assistance organizations and agencies,
15 the Secretary shall ensure that information con-
16 cerning foreign assistance provided by the United
17 States Government, United States nongovernmental
18 organizations and private entities, and the American
19 people is disseminated widely and prominently, par-
20 ticularly, to the extent practicable, within countries
21 and regions that receive such assistance. The Sec-
22 retary shall ensure that, to the extent practicable,
23 projects funded by the United States Agency for
24 International Development (USAID) that do not in-
25 volve commodities, including projects implemented

1 by private voluntary organizations, are identified as
2 being supported by the United States of America, as
3 American Aid or provided by the American people.

4 “(2) REPORT TO CONGRESS.—Not later than
5 120 days after the end of each fiscal year, the Sec-
6 retary shall submit a report to the Committee on
7 International Relations of the House of Representa-
8 tives and the Committee on Foreign Relations of the
9 Senate on efforts to disseminate information con-
10 cerning assistance described in paragraph (1) during
11 the preceding fiscal year. Each such report shall in-
12 clude specific information concerning all instances in
13 which the United States Agency for International
14 Development has not identified projects in the man-
15 ner prescribed in paragraph (1) because such identi-
16 fication was not practicable. Any such report shall
17 be submitted in unclassified form, but may include
18 a classified appendix.

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

23 (b) ESTABLISHMENT OF PUBLIC DIPLOMACY RE-
24 SERVE CORPS.—

1 (1) The Secretary of State shall establish a
2 public diplomacy reserve corps to augment the public
3 diplomacy capacity and capabilities of the Depart-
4 ment in emergency and critical circumstances world-
5 wide. The Secretary shall develop a contingency plan
6 for the use of the corps to bolster public diplomacy
7 resources and expertise. To the extent necessary and
8 appropriate, the Secretary may recruit experts in
9 public diplomacy and related fields from the private
10 sector.

11 (2) While actively serving with the reserve
12 corps, individuals are prohibited from engaging in
13 activities directly or indirectly intended to influence
14 public opinion within the United States to the same
15 degree that employees of the Department engaged in
16 public diplomacy are so prohibited.

17 (c) FUNCTIONS OF THE UNDER SECRETARY FOR
18 PUBLIC DIPLOMACY.—

19 (1) Section 1(b)(3) of the State Department
20 Basic Authorities Act of 1956 (22 U.S.C.
21 2651a(b)(3)) is amended by striking “formation”
22 and all that follows through the period at the end
23 and inserting “formation, supervision, and imple-
24 mentation of United States public diplomacy poli-
25 cies, programs, and activities, including the provision

1 of guidance to Department personnel in the United
2 States and overseas who conduct or implement such
3 policies, programs, and activities. The Under Sec-
4 retary for Public Diplomacy shall assist the United
5 States Agency for International Broadcasting in pre-
6 senting the policies of the United States clearly and
7 effectively, shall submit statements of United States
8 policy and editorial material to the Agency for
9 broadcast consideration in addition to material pre-
10 pared by the Agency, and shall ensure that editorial
11 material created by the Agency for broadcast is re-
12 viewed expeditiously by the Department.”.

13 (2) The Under Secretary for Public Diplomacy,
14 in carrying out the functions under the last sentence
15 of section 1(b)(3) of the State Department Basic
16 Authorities Act of 1956 (as added by paragraph (1),
17 shall consult with public diplomacy officers operating
18 at United States overseas posts and in the regional
19 bureaus of the Department of State.

20 **SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRAT-**
21 **EGY.**

22 The Secretary of State, in coordination with all ap-
23 propriate Federal agencies, shall prepare an annual review
24 and analysis of the impact of public diplomacy efforts on
25 target audiences. Each review shall assess the United

1 States public diplomacy strategy worldwide and by region,
2 including the allocation of resources and an evaluation and
3 assessment of the progress in, and barriers to, achieving
4 the goals set forth under previous plans submitted under
5 this section. On the basis of such review, the Secretary
6 of State, in coordination with all appropriate Federal
7 agencies shall develop and submit, as part of the annual
8 budget submission, a public diplomacy strategy which
9 specifies goals, agency responsibilities, and necessary re-
10 sources and mechanisms for achieving such goals during
11 the next fiscal year. The plan may be submitted in classi-
12 fied form.

13 **SEC. 204. PUBLIC DIPLOMACY TRAINING.**

14 (a) FINDINGS.—The Congress makes the following
15 findings:

16 (1) The Foreign Service should recruit individ-
17 uals with expertise and professional experience in
18 public diplomacy.

19 (2) Ambassadors should have a prominent role
20 in the formulation of public diplomacy strategies for
21 the countries and regions to which they are assigned
22 and be accountable for the operation and success of
23 public diplomacy efforts at their posts.

24 (3) Initial and subsequent training of Foreign
25 Service officers should be enhanced to include infor-

1 mation and training on public diplomacy and the
2 tools and technology of mass communication.

3 (b) PERSONNEL.—

4 (1) In the recruitment, training, and assign-
5 ment of members of the Foreign Service, the Sec-
6 retary shall emphasize the importance of public di-
7 plomacy and of applicable skills and techniques. The
8 Secretary shall consider the priority recruitment into
9 the Foreign Service, at middle-level entry, of individ-
10 uals with expertise and professional experience in
11 public diplomacy, mass communications, or jour-
12 nalism, especially individuals with language facility
13 and experience in particular countries and regions.

14 (2) The Secretary of State shall seek to in-
15 crease the number of Foreign Service officers pro-
16 ficient in languages spoken in predominantly Muslim
17 countries. Such increase shall be accomplished
18 through the recruitment of new officers and incen-
19 tives for officers in service.

20 **SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUB-**
21 **LIC DIPLOMACY.**

22 (a) STUDY AND REPORT BY UNITED STATES ADVI-
23 SORY COMMISSION ON PUBLIC DIPLOMACY.—Section
24 604(c)(2) of the United States Information and Edu-

1 cational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is
2 amended to read as follows:

3 “(2)(A) Not less often than every two years, the Com-
4 mission shall undertake an in-depth review of United
5 States public diplomacy programs, policies, and activities.
6 Each study shall assess the effectiveness of the various
7 mechanisms of United States public diplomacy, in light
8 of factors including public and media attitudes around the
9 world toward the United States, Americans, United States
10 foreign policy, and the role of the American private-sector
11 community abroad, and make appropriate recommenda-
12 tions.

13 “(B) A comprehensive report of each study under
14 subparagraph (A) shall be submitted to the Secretary of
15 State and the appropriate congressional committees. At
16 the discretion of the Commission, any report under this
17 subsection may be submitted in classified or unclassified
18 form, as appropriate.”.

19 (b) INFORMATION AND SUPPORT FROM OTHER
20 AGENCIES.—Upon request of the United States Advisory
21 Commission on Public Diplomacy, the Secretary of State,
22 the Director of the United States International Broad-
23 casting Agency, and the head of any other Federal agency
24 that conducts public diplomacy programs and activities
25 shall provide information to the Advisory Commission to

1 assist in carrying out the responsibilities under section
2 604(c)(2) of the United States Information and Edu-
3 cational Exchange Act of 1948 (as amended by subsection
4 (a)).

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

7 (1) QUALIFICATIONS OF MEMBERS.—Section
8 604(a)(2) of the United States Information and
9 Educational Exchange Act of 1948 (22 U.S.C.
10 1469(a)(2)) is amended by adding at the end the
11 following: “At least 4 members shall have substan-
12 tial experience in the conduct of public diplomacy or
13 comparable activities in the private sector. At least
14 1 member shall be an American residing abroad. No
15 member may be an officer or employee of the United
16 States.”.

17 (2) APPLICATION OF AMENDMENT.—The
18 amendments made by paragraph (1) shall not apply
19 to individuals who are members of the United States
20 Advisory Commission on Public Diplomacy on the
21 date of the enactment of this Act.

22 **SEC. 206. LIBRARY PROGRAM.**

23 The Secretary of State shall develop and implement
24 a demonstration program to assist foreign governments to
25 establish or upgrade their public library systems to im-

1 prove literacy and support public education. The program
2 should provide training in the library sciences. The pur-
3 pose of the program shall be to advance American values
4 and society, particularly the importance of freedom and
5 democracy.

6 **SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DI-**
7 **PLOMACY EFFORTS IN SUB-SAHARAN AFRI-**
8 **CA.**

9 (a) FINDINGS.—The Congress makes the following
10 findings:

11 (1) A significant number of sub-Saharan Afri-
12 can countries have predominantly Muslim popu-
13 lations, including such key countries as Nigeria,
14 Senegal, Djibouti, Mauritania, and Guinea.

15 (2) In several of these countries, groups with
16 links to militant religious organizations are active
17 among the youth, primarily young men, promoting a
18 philosophy and practice of intolerance and radical
19 clerics are effectively mobilizing public sentiment
20 against the United States.

21 (b) SENSE OF CONGRESS.—It is the sense of the
22 Congress that the Secretary should include countries in
23 sub-Saharan Africa with predominantly Muslim popu-
24 lations in the public diplomacy activities authorized by this
25 Act and the amendments made by this Act.

1 **Subtitle B—Basic Authorities and**
2 **Activities**

3 **SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERU-**
4 **SALEM AS THE CAPITAL OF ISRAEL.**

5 (a) LIMITATION ON USE OF FUNDS FOR CONSULATE
6 IN JERUSALEM.—None of the funds authorized to be ap-
7 propriated by this Act may be expended for the operation
8 of a United States consulate or diplomatic facility in Jeru-
9 salem unless such consulate or diplomatic facility is under
10 the supervision of the United States Ambassador to Israel.

11 (b) LIMITATION ON USE OF FUNDS FOR PUBLICA-
12 TIONS.—None of the funds authorized to be appropriated
13 by this Act may be available for the publication of any
14 official government document which lists countries and
15 their capital cities unless the publication identifies Jeru-
16 salem as the capital of Israel.

17 (c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR
18 PASSPORT PURPOSES.—The first section of “An Act to
19 regulate the issue and validity of passports, and for other
20 purposes”, approved July 3, 1926 (22 U.S.C. 211a; 44
21 Stat. 887) is amended by inserting after the first sentence
22 the following: “For purposes of the issuance of a passport
23 of a United States citizen born in the city of Jerusalem,
24 the Secretary shall, upon the request of the citizen or the

1 citizen's legal guardian, record the place of birth as
2 Israel.”.

3 **SEC. 222. CONTINUATION OF REPORTING REQUIREMENTS.**

4 Section 805(a) of the Admiral James W. Nance and
5 Meg Donovan Foreign Relations Authorization Act, Fiscal
6 Years 2000 and 2001 (section 805(a) of division A of H.R.
7 3427, as enacted into law by section 1000(a)(7) of Public
8 Law 106–113; appendix G; 113 Stat. 1501A–470) (relat-
9 ing to reports on terrorist activity in which United States
10 citizens were killed and related matters) is amended by
11 striking “Not later” and all that follows through “2001,”
12 and inserting “Not later than May 1, 2003, May 1, 2004,
13 and May 1, 2005,”.

14 **SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE**
15 **ISRAEL'S DIPLOMATIC RELATIONS WITH**
16 **OTHER COUNTRIES.**

17 (a) FINDINGS.—The Congress makes the following
18 findings:

19 (1) Israel is a friend and ally of the United
20 States whose security is vital to regional stability
21 and United States interests.

22 (2) Israel currently maintains diplomatic rela-
23 tions with approximately 160 countries. Approxi-
24 mately 30 countries do not have any diplomatic rela-
25 tions with Israel.

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

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

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

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

16 (1) Actions taken by the United States to en-
17 courage other countries to establish full diplomatic
18 relations with Israel.

19 (2) Specific responses solicited and received by
20 the Secretary from countries that do not maintain
21 full diplomatic relations with Israel with respect to
22 the status of negotiations to enter into diplomatic
23 relations with Israel.

24 (3) Other measures being undertaken, and
25 measures that will be undertaken, by the United

1 States to ensure and promote Israel's full participa-
2 tion in the world diplomatic community.

3 **SEC. 224. REIMBURSEMENT RATE FOR AIRLIFT SERVICES**

4 **PROVIDED TO THE DEPARTMENT OF STATE.**

5 Section 2642 of title 10, United States Code, is
6 amended—

7 (1) in the heading by inserting “and Depart-
8 ment of State” after “Central Intelligence Agency”;
9 and

10 (2) in subsection (a) by striking “Agency,” and
11 inserting “Agency or the Department of State,”.

12 **SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL**

13 **UNITED STATES CONSULAR POSTS.**

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

20 **SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR**

21 **TRAVEL TO COUNTRIES RECEIVING UNITED**

22 **STATES FOREIGN ASSISTANCE.**

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

1 ed by striking “travellers.” and inserting “travellers, and
2 no such restriction may apply to a country in which the
3 United States is providing assistance authorized by the
4 Foreign Assistance Act of 1961.”.

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

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

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

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

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

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

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

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 **Subtitle C—Educational and**
21 **Cultural Authorities**

22 **SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMI-**
23 **NANTLY MUSLIM COUNTRIES.**

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

1 (1) Surveys indicate that, in countries of pre-
2 dominantly Muslim population, opinions of the
3 United States and American foreign policy among
4 the general public and select audiences are signifi-
5 cantly distorted by highly negative and hostile beliefs
6 and images and that many of these beliefs and im-
7 ages are the result of misinformation and propa-
8 ganda by individuals and organizations hostile to the
9 United States.

10 (2) These negative opinions and images are
11 highly prejudicial to the interests of the United
12 States and to its foreign policy.

13 (3) As part of a broad and long-term effort to
14 enhance a positive image of the United States in the
15 Muslim world, a key element should be the establish-
16 ment of programs to promote a greater familiarity
17 with American society and values among the general
18 public and select audiences in countries of predomi-
19 nantly Muslim population.

20 (b) ESTABLISHMENT OF INITIATIVES.—The Sec-
21 retary of State shall establish the following programs with
22 countries with predominantly Muslim populations as part
23 of the educational and cultural exchange programs of the
24 Department of State for the fiscal years 2004 and 2005:

1 (1) JOURNALISM PROGRAM.—A program for
2 foreign journalists, editors, media managers, and
3 postsecondary students of journalism which, in co-
4 operation with private sector sponsors to include
5 universities, shall sponsor workshops and profes-
6 sional training in techniques, standards, and prac-
7 tices in the field of journalism to assist the partici-
8 pants to achieve the highest standards of profes-
9 sionalism.

10 (2) ENGLISH LANGUAGE TEACHING.—The Sec-
11 retary shall provide grants to United States citizens
12 to work in middle and secondary schools as English
13 language teaching assistants for not less than an
14 academic year. If feasible, the host government or
15 local educational agency shall share the salary costs
16 of the assistants.

17 (3) SISTER CITY PARTNERSHIPS.—The Sec-
18 retary shall expand and enhance sister-city partner-
19 ships between United States and international mu-
20 nicipalities in an effort to increase global cooperation
21 at the community level. Such partnerships shall en-
22 courage economic development, municipal coopera-
23 tion, health care initiatives, youth and educational
24 programs, disability advocacy, emergency prepared-
25 ness, and humanitarian assistance.

1 (4) CIVICS EDUCATION.—The Secretary shall
2 establish a civics education program which shall de-
3 velop civics education teaching curricula and mate-
4 rials, provide training for teachers of civics, and pro-
5 vide English language teaching materials that are
6 designed to promote civics education. Civics edu-
7 cation programs under this paragraph shall place
8 particular emphasis on the on-site training of edu-
9 cators and the function of the mass media within
10 that society.

11 (5) YOUTH AMBASSADORS.—The Secretary
12 shall establish a program for visits by middle school
13 students (to the extent feasible) and secondary
14 school students to the United States during school
15 holidays in their home country for periods not to ex-
16 ceed 4 weeks and a program for academic year study
17 in the United States for secondary school students.
18 Participating students shall reflect the economic, ge-
19 ographic, and ethnic diversity of their countries. Ac-
20 tivities shall include cultural and educational activi-
21 ties designed to familiarize participating students
22 with American society and values. To the extent
23 practicable, the program involving school holiday vis-
24 its shall be coordinated with middle and secondary
25 schools in the United States to provide for school-

1 based activities and interactions. The Secretary shall
2 encourage the establishment of direct school-to-
3 school linkages under the programs.

4 (6) FULBRIGHT EXCHANGE PROGRAM.—The
5 Secretary shall seek to substantially increase the
6 number of awards under the J. William Fulbright
7 Educational Exchange Program to graduate stu-
8 dents, scholars, professionals, teachers, and adminis-
9 trators from the United States who are applying for
10 such awards to study, teach, conduct research, or
11 pursue scholarship in predominantly Muslim coun-
12 tries. Part of such increase shall include awards for
13 scholars and teachers who plan to teach subjects re-
14 lating to American studies.

15 (7) HUBERT H. HUMPHREY FELLOWSHIPS.—
16 The Secretary shall seek to substantially increase
17 the number of Hubert H. Humphrey Fellowships
18 awarded to candidates from predominantly Muslim
19 countries.

20 (8) LIBRARY TRAINING EXCHANGE PROGRAM.—
21 The Secretary shall develop an exchange program
22 for postgraduate students seeking additional training
23 in the library sciences and related fields.

24 (c) GENERAL PROVISION.—Programs established
25 under this section shall be carried out under the provisions

1 of the United States Information and Educational Ex-
2 change Act of 1948 and the Mutual Educational and Cul-
3 tural Exchange Act of 1961.

4 **SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICI-**
5 **PANTS IN EXCHANGE PROGRAMS.**

6 To the extent practicable, the Secretary of State, in
7 coordination with the heads of other agencies that conduct
8 international exchange and training programs, shall estab-
9 lish and maintain a database listing all American and for-
10 eign alumni of such programs in order to encourage net-
11 working, interaction, and communication with alumni.

12 **SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DE-**
13 **MOCRACY ADVOCATES IN EDUCATIONAL AND**
14 **CULTURAL EXCHANGE PROGRAMS.**

15 Not later than 90 days after the date of the enact-
16 ment of this Act, the Secretary of State shall submit to
17 the Congress a report concerning the implementation of
18 section 102 of the Human Rights, Refugee, and Other
19 Foreign Relations Provisions Act of 1996. The report shall
20 include information concerning the number of grants to
21 conduct exchange programs to countries described in such
22 section that have been submitted for competitive bidding,
23 what measures have been taken to ensure that willingness
24 to include supporters of freedom and democracy in such
25 programs is given appropriate weight in the selection of

1 grantees, and an evaluation of whether United States ex-
2 change programs in the countries described in such section
3 are fully open to supporters of freedom and democracy,
4 and, if not, what obstacles remain and what measures are
5 being taken to implement such policy.

6 **SEC. 254. SENSE OF THE CONGRESS CONCERNING EDU-**
7 **CATIONAL AND CULTURAL EXCHANGE PRO-**
8 **GRAM FOR FOREIGN JOURNALISTS.**

9 It is the sense of the Congress that the Secretary of
10 State should work toward the establishment of a program
11 for foreign journalists from regions of conflict that will
12 provide professional training in techniques, standards, and
13 practices in the field of journalism.

14 **SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FUL-**
15 **BRIGHT PROGRAMS.**

16 It is the sense of the Congress that Fulbright pro-
17 gram activities for Korea should—

18 (1) include participation by students from
19 throughout South Korea, including proportional rep-
20 resentation from areas outside of Seoul;

21 (2) attempt to include Korean students from a
22 broad range of educational institutions, including
23 schools other than elite universities;

24 (3) broaden the Korean student emphasis be-
25 yond degree-seeking graduate students, to include

1 opportunities for one-year nondegree study at
2 United States campuses by pre-doctoral Korean stu-
3 dents; and

4 (4) include a significant number of Korean stu-
5 dents planning to move into areas other than ad-
6 vanced research and university teaching, such as
7 those heading towards careers in government service,
8 media, law, and business.

9 **Subtitle D—Consular Authorities**

10 **SEC. 271. MACHINE READABLE VISAS.**

11 Section 140(a) of the Foreign Relations Authoriza-
12 tion Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351
13 note) is amended by adding at the end the following:

14 “(4) For each of the fiscal years 2004 and
15 2005, any amount that exceeds \$700,000,000 may
16 be made available only if a notification is submitted
17 to Congress in accordance with the procedures appli-
18 cable to reprogramming notifications under section
19 34 of the State Department Basic Authorities Act of
20 1956.”.

21 **SEC. 272. PROCESSING OF VISA APPLICATIONS.**

22 (a) IN GENERAL.—It shall be the policy of the De-
23 partment of State to process each visa application from
24 an alien classified as an immediate relative or as a K-1
25 nonimmigrant within 30 days of the receipt of all nec-

1 essary documents from the applicant and the Department
2 of Homeland Security. In the case of an immigrant visa
3 application where the petitioner is a relative other than
4 an immediate relative, it should be the policy of the De-
5 partment to process such an application within 60 days
6 of the receipt of all necessary documents from the appli-
7 cant and the Department of Homeland Security.

8 (b) DEFINITIONS.—In this section:

9 (1) IMMEDIATE RELATIVE.—The term “imme-
10 diate relative” has the meaning given the term in
11 section 201(b)(2)(A)(i) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)).

13 (2) K–1 NONIMMIGRANT.—The term “K–1 non-
14 immigrant” means a nonimmigrant alien described
15 in section 101(a)(15)(K)(i) of the Immigration and
16 Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

17 **SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.**

18 At least once every five years and pursuant to a proc-
19 ess determined by the President for staffing at diplomatic
20 missions and overseas constituent posts, the Secretary of
21 State shall require each chief of mission to review every
22 staff element under chief of mission authority, including
23 staff from other executive agencies, and recommend ap-
24 proval or disapproval of each staff element. The Secretary
25 of State shall submit an annual report concerning such

1 reviews together with the Secretary's recommendations to
2 the heads of all affected agencies and the Inspector Gen-
3 eral of the Department of State.

4 **TITLE III—ORGANIZATION AND**
5 **PERSONNEL OF THE DEPART-**
6 **MENT OF STATE**

7 **SEC. 301. FELLOWSHIP OF HOPE PROGRAM.**

8 The Secretary of State is authorized to establish in
9 the Department of State an exchange program to be des-
10 ignated the "Fellowship of Hope Program". The program
11 shall provide for the exchange and assignment of govern-
12 ment employees of designated countries to fellowship posi-
13 tions at the Department of State and reciprocal assign-
14 ment of civil service and foreign service employees of the
15 Department as fellows within the governments of foreign
16 countries.

17 **SEC. 302. CLAIMS FOR LOST PAY.**

18 Section 2 of the State Department Basic Authorities
19 Act (22 U.S.C. 2669) is amended—

20 (1) at the end of subsection (o) by striking the
21 period and inserting "; and"; and

22 (2) by inserting after subsection (o) the fol-
23 lowing new subsection:

24 "(p) make administrative corrections or adjustments
25 to an employee's pay, allowances, or differentials, resulting

1 from mistakes or retroactive personnel actions, and to pro-
2 vide back pay and other categories of payments under the
3 Back Pay Act as part of the settlement of administrative
4 claims or grievances filed against the Department.”.

5 **SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.**

6 (a) ESTABLISHMENT.—There is established in the
7 Office of the Secretary of State the position of Ombuds-
8 man. The position of Ombudsman shall be a career posi-
9 tion within the Senior Executive Service. The Ombudsman
10 shall report directly to the Secretary of State.

11 (b) DUTIES.—At the discretion of the Secretary of
12 State, the Ombudsman shall participate in meetings re-
13 garding the management of the Department in order to
14 assure that all employees may contribute to the achieve-
15 ment of the Department’s responsibilities and to promote
16 the career interests of all employees.

17 (c) CONFORMING AMENDMENT.—Section 172 of the
18 Foreign Relations Authorization Act, Fiscal Years 1988
19 and 1989 (22 U.S.C. 2664a) is amended—

20 (1) by striking subsection (c); and

21 (2) by redesignating subsection (d) as sub-
22 section (c).

1 **SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT**
2 **FOR SENIOR FOREIGN SERVICE.**

3 Section 305 of the Foreign Service Act of 1980 (22
4 U.S.C. 3945) is amended by striking subsection (d).

5 **SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES**
6 **OF STATE DEPARTMENT.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the Secretary of State shall prepare and
9 submit to the appropriate congressional committees a re-
10 port that analyzes and evaluates the merits of the conver-
11 sion of employees of the Department of State to excepted
12 service under chapter 21 of title 5, United States Code.

13 **SEC. 306. HOME LEAVE.**

14 (a) **REST AND RECUPERATION TRAVEL.**—Section
15 901(6) of the Foreign Service Act of 1980 (22 U.S.C.
16 4081(6)) is amended by striking “unbroken by home
17 leave” both places it appears.

18 (b) **REQUIRED LEAVE IN THE UNITED STATES.**—
19 Section 903(a) of the Foreign Service Act of 1980 (22
20 U.S.C. 4083(a)) is amended by striking “18 months” and
21 inserting “12 months”.

1 **SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIF-**
2 **FERENTIALS AND DANGER PAY ALLOW-**
3 **ANCES.**

4 (a) POST DIFFERENTIALS.—Section 5925(a) of title
5 5, United States Code, is amended by striking “25 per-
6 cent” in the third sentence and inserting “35 percent”.

7 (b) DANGER PAY ALLOWANCES.—Section 5928 of
8 title 5, United States Code, is amended by striking “25
9 percent” both places it appears and inserting “35 per-
10 cent”.

11 (c) CRITERIA.—The Secretary shall inform the ap-
12 propriate congressional committees of the criteria to be
13 used in determinations of appropriate adjustments in post
14 differentials under section 5925 of title 5, United States
15 Code, and danger pay allowances under section 5928 of
16 title 5, United States Code.

17 (d) STUDY AND REPORT.—Two years after the date
18 of the enactment of this Act, the Secretary of State shall
19 conduct a study assessing the effect of the increases in
20 post differentials and danger pay allowances made by the
21 amendments in subsections (a) and (b) in filling “hard-
22 to-fill” positions. The Secretary shall submit a report of
23 such study to the appropriate congressional committees.

1 **SEC. 308. REGULATIONS REGARDING RETIREMENT CREDIT**
2 **FOR GOVERNMENT SERVICE PERFORMED**
3 **ABROAD.**

4 Section 321(f) of the Foreign Relations Authorization
5 Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law
6 107–228) is amended by striking “regulations” and in-
7 serting “regulations, not later than 60 days after the date
8 of the enactment of the Foreign Relations Authorization
9 Act, Fiscal Years 2004 and 2005,”.

10 **SEC. 309. MINORITY RECRUITMENT.**

11 (a) REPORTING REQUIREMENT.—Section 324 of the
12 Foreign Relations Authorization Act, Fiscal Year 2003
13 (Public Law 107–228) is amended by striking “and April
14 1, 2004” and inserting “April 1, 2004, and April 1,
15 2005”.

16 (b) USE OF FUNDS.—The provisions of section 325
17 of such Act shall apply to funds authorized by section
18 111(a)(1)(E) of this Act.

19 (c) CONFORMING AMENDMENT.—Section 325(c) of
20 such Act is amended in the second sentence by striking
21 “two” and inserting “three”.

1 **TITLE IV—INTERNATIONAL**
2 **ORGANIZATIONS**
3 **Subtitle A—Basic Authorities and**
4 **Activities**

5 **SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBU-**
6 **TIONS.**

7 Section 404(b)(2)(B) of the Foreign Relations Au-
8 thorization Act, Fiscal Years 1994 and 1995 is amended
9 by inserting after clause (iv) the following:

10 “(v) For assessments made during
11 calendar year 2005 and calendar year
12 2006, 27.10 percent.”.

13 **SEC. 402. REGARDING THE REENTRY OF THE UNITED**
14 **STATES IN UNESCO.**

15 (a) SENSE OF CONGRESS.—As the United States re-
16 sumes membership in the United Nations Educational,
17 Scientific, and Cultural Organization (UNESCO), the
18 President should—

19 (1) appoint a United States Representative to
20 the Organization for Economic Cooperation and De-
21 velopment (OECD) who shall also serve as the
22 United States Representative to UNESCO;

23 (2) take steps to ensure that more Americans
24 are employed by UNESCO, particularly for senior
25 level positions;

1 (3) request that the Secretary General of
2 UNESCO create a Deputy Director General position
3 for Management or a comparable position with high
4 level managerial and administrative responsibilities
5 to be filled by an American;

6 (4) insist that any increases in UNESCO's
7 budget beyond the level of zero nominal growth for
8 the 2004-2005 biennium focus primarily on the
9 adoption of management and administrative reforms;
10 and

11 (5) request that the Secretary General of
12 UNESCO spend the United States contribution to
13 UNESCO for the last quarter of calendar year 2003
14 on key education and science priorities of the organi-
15 zation that will directly benefit United States na-
16 tional interests.

17 (b) ANNUAL ASSESSMENT FOR UNITED STATES PAR-
18 TICIPATION IN UNESCO.—Of the amounts authorized to
19 be appropriated by section 113(a), such sums as may be
20 necessary for each of the fiscal years 2004 and 2005 are
21 authorized to be available for the annual assessment for
22 United States contributions to the regular budget of the
23 United Nations Educational, Scientific, and Cultural Or-
24 ganization.

1 **SEC. 403. UNESCO NATIONAL COMMISSION.**

2 (a) IN GENERAL.—Section 3 of the Act of July 30,
3 1946, “Providing for membership and participation by the
4 United States in the United Nations Educational, Sci-
5 entific, and Cultural Organization, and authorizing an ap-
6 propriation therefor.” (22 U.S.C. 287o) is amended to
7 read as follows:

8 “SEC. 3. (a) In fulfillment of article VII of the con-
9 stitution of the Organization, the Secretary of State shall
10 establish a National Commission on Educational, Sci-
11 entific, and Cultural Cooperation.

12 “(b) The National Commission shall be composed of
13 not more than 35 members appointed by the Secretary
14 of State in consultation with the National Academy of
15 Sciences, the National Science Foundation, the Secretary
16 of Education, the Secretary of Health and Human Serv-
17 ices, and the Secretary of the Interior. Members of the
18 National Commission shall be representatives of non-
19 governmental organizations, academic institutions, and as-
20 sociations interested in education, scientific, and cultural
21 matters. Periodically, the Secretary shall review and revise
22 the entities represented on the National Commission in
23 order to achieve a desirable rotation in representation. Ex-
24 cept as otherwise provided, each member of the National
25 Commission shall be appointed to a term of 3 years. As
26 designated by the Secretary of State at the time of ap-

1 pointment, of the members first appointed one-third shall
2 be appointed for a term of 1 year, one-third shall be ap-
3 pointed for a term of 2 years, and one-third shall be ap-
4 pointed for a term of 3 years. Any member appointed to
5 fill a vacancy occurring before the expiration of the term
6 for which the member's predecessor was appointed shall
7 be appointed only for the remainder of that term. A mem-
8 ber may serve after the expiration of that member's term
9 until a successor has taken office. No member may serve
10 more than 2 consecutive terms. The Secretary of State
11 shall designate a chair of the National Commission.

12 “(c) Members of the National Commission shall serve
13 without pay. For attendance at the annual meeting, each
14 member shall receive travel expenses in accordance with
15 section 5703 of title 5, United States Code.

16 “(d) The National Commission shall meet at the call
17 of the chair at least annually and such meetings may be
18 through video conferencing or other electronic means. The
19 National Commission shall designate an executive com-
20 mittee from among the members of the commission and
21 may designate such other committees as may be necessary
22 to carry out its duties under this Act.

23 “(e) Upon request of the National Commission, the
24 Secretary of State may detail any of the personnel of the

1 Department of State to the National Commission to assist
2 it in carrying out its duties under this Act.”.

3 (b) CONFORMING CHANGES.—Section 2 of the Act of
4 July 30, 1946, “Providing for membership and participa-
5 tion by the United States in the United Nations Edu-
6 cational, Scientific, and Cultural Organization, and au-
7 thorizing an appropriation therefor.” (22 U.S.C. 287o) is
8 amended by striking “One of the representatives” and all
9 that follows through the end of such section.

10 **SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS)**

11 **EMERGENCY FUND.**

12 Section 109(b)(3) of Public Law 104–114 (22 U.S.C.
13 6039(b)(3)) is amended by striking “should provide not
14 less than \$5,000,000” and inserting “shall provide for
15 each of the fiscal years 2004 and 2005 not less than
16 \$500,000”.

17 **SEC. 405. UNITED STATES EFFORTS REGARDING THE STA-**

18 **TUS OF ISRAEL IN THE WESTERN EUROPEAN**

19 **AND OTHERS GROUP AT THE UNITED NA-**

20 **TIONS.**

21 (a) UNITED STATES EFFORTS.—The Secretary of
22 State and other appropriate officials of the United States
23 Government should pursue an aggressive diplomatic effort
24 and should take all necessary steps to ensure the extension

1 and upgrade of Israel’s membership in the Western Euro-
2 pean and Others Group at the United Nations.

3 (b) REPORT.—Not later than 60 days after the date
4 of the enactment of this Act and biannually thereafter,
5 the Secretary of State shall submit to the appropriate con-
6 gressional committees a report on the steps taken by the
7 United States pursuant to subsection (a) and progress in
8 achieving the objectives of subsection (a).

9 **Subtitle B—United States**
10 **International Leadership**

11 **SEC. 431. SHORT TITLE.**

12 This subtitle may be cited as the “United States
13 International Leadership Act of 2003”.

14 **SEC. 432. FINDINGS.**

15 The Congress makes the following findings:

16 (1) International organizations and other multi-
17 lateral institutions play a key role in United States
18 foreign policy and serve key United States foreign
19 policy objectives, such as obligating all countries to
20 freeze assets of terrorist groups, preventing the pro-
21 liferation of chemical, biological, and nuclear weap-
22 ons, and spearheading the fight to combat the rav-
23 ages of HIV/AIDS and other infectious diseases.

24 (2) Decisions at many international organiza-
25 tions, including membership and key positions, re-

1 main subject to determinations made by regional
2 groups where democratic states are often in the mi-
3 nority and where there is intensive cooperation
4 among repressive regimes. As a result, the United
5 States has often been blocked in its attempts to take
6 action in these institutions to advance its goals and
7 objectives, including at the United Nations Human
8 Rights Commission (where a representative of Libya
9 was elected as chairman and the United States tem-
10 porarily lost a seat).

11 (3) In order to address these shortcomings, the
12 United States must actively work to improve the
13 workings of international organizations and multilat-
14 eral institutions, particularly by creating a caucus of
15 democratic countries that will advance United States
16 interests. In the Second Ministerial Conference of
17 the Community of Democracies in Seoul, Korea, on
18 November 10–20, 2002, numerous countries rec-
19 ommended working together as a democracy caucus
20 in international organizations such as the United
21 Nations and ensuring that international and regional
22 institutions develop and apply democratic standards
23 for member states.

24 (4) In addition, the United States has short-
25 changed its ability to influence these organizations

1 by failing to obtain enough support for positions
2 that are congruent to or consistent with United
3 States objectives and has not done enough to build
4 expertise in the United States Government in the
5 area of multilateral diplomacy.

6 **SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

7 (a) IN GENERAL.—The President of the United
8 States, acting through the Secretary of State and the rel-
9 evant United States chiefs of mission, shall seek to estab-
10 lish a democracy caucus at the United Nations, the United
11 Nations Human Rights Commission, the United Nations
12 Conference on Disarmament, and at other broad-based
13 international organizations.

14 (b) PURPOSES OF THE CAUCUS.—A democracy cau-
15 cus at an international organization should—

16 (1) forge common positions, including, as ap-
17 propriate, at the ministerial level, on matters of con-
18 cern before the organization and work within and
19 across regional lines to promote agreed positions;

20 (2) work to revise an increasingly outmoded
21 system of regional voting and decision making; and

22 (3) set up a rotational leadership scheme to
23 provide member states an opportunity, for a set pe-
24 riod of time, to serve as the designated president of

1 the caucus, responsible for serving as its voice in
2 each organization.

3 **SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**
4 **ERAL ISSUES.**

5 The Secretary of State, acting through the principal
6 officers responsible for advising the Secretary on inter-
7 national organizations, shall ensure that a high-level dele-
8 gation from the United States Government, on an annual
9 basis, is sent to consult with key foreign governments in
10 every region in order to promote the United States agenda
11 at key international fora, such as the United Nations Gen-
12 eral Assembly, United Nations Human Rights Commis-
13 sion, the United Nations Education, Science, and Cultural
14 Organization, and the International Whaling Commission.

15 **SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTER-**
16 **NATIONAL ORGANIZATIONS.**

17 The President, acting through the Secretary of State
18 and the relevant United States chiefs of mission, shall use
19 the voice, vote, and influence of the United States to—

20 (1) where appropriate, reform the criteria for
21 leadership and, in appropriate cases for membership,
22 at all United Nations bodies and at other inter-
23 national organizations and multilateral institutions
24 to which the United States is a member so as to ex-

1 clude nations that violate the principles of the spe-
2 cific organization;

3 (2) make it a policy of the United Nations and
4 other international organizations and multilateral in-
5 stitutions, of which the United States is a member,
6 that a member state may not stand in nomination
7 or be in rotation for a leadership position in such
8 bodies if the member state is subject to sanctions
9 imposed by the United Nations Security Council;
10 and

11 (3) work to ensure that no member state stand
12 in nomination or be in rotation for a leadership posi-
13 tion in such organizations if the member state is
14 subject to a determination under section 620A of the
15 Foreign Assistance Act of 1961, section 40 of the
16 Arms Export Control Act, or section 6(j) of the Ex-
17 port Administration Act.

18 **SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLO-**
19 **MACY.**

20 (a) TRAINING PROGRAMS.—Section 708 of the For-
21 eign Service Act of 1980 (22 U.S.C. 4028) is amended
22 by adding after subsection (b) the following new sub-
23 section:

24 “(c) TRAINING IN MULTILATERAL DIPLOMACY.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a series of training courses for officers of the
3 Service, including appropriate chiefs of mission, on
4 the conduct of diplomacy at international organiza-
5 tions and other multilateral institutions and at
6 broad-based multilateral negotiations of inter-
7 national instruments.

8 “(2) PARTICULAR PROGRAMS.—The Secretary
9 shall ensure that the training described in paragraph
10 (1) is provided at various stages of the career of
11 members of the Service. In particular, the Secretary
12 shall ensure that after January 1, 2004—

13 “(A) officers of the Service receive training
14 on the conduct of diplomacy at international or-
15 ganizations and other multilateral institutions
16 and at broad-based multilateral negotiations of
17 international instruments as part of their train-
18 ing upon entry of the Service; and

19 “(B) officers of the Service, including
20 chiefs of mission, who are assigned to United
21 States missions representing the United States
22 to international organizations and other multi-
23 lateral institutions or who are assigned in
24 Washington, D.C. to positions that have as
25 their primary responsibility formulation of pol-

1 (1) IN GENERAL.—Section 603(b) of the For-
2 eign Service Act of 1980 (22 U.S.C. 4003) is
3 amended by striking the period at the end and in-
4 serting: “, and shall consider whether the member of
5 the Service has served in a position whose primary
6 responsibility is to formulate policy towards or rep-
7 resent the United States at an international organi-
8 zation, a multilateral institution, or a broad-based
9 multilateral negotiation of an international instru-
10 ment.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect January 1, 2010.

13 (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-
14 MACY CONE IN THE FOREIGN SERVICE.—

15 (1) FINDINGS.—

16 (A) The Department of State maintains a
17 number of United States missions both within
18 the United States and abroad that are dedi-
19 cated to representing the United States to
20 international organizations and multilateral in-
21 stitutions, including missions in New York,
22 Brussels, Geneva, Rome, Montreal, Nairobi, Vi-
23 enna, and Paris, which will soon be responsible
24 for United States representation to UNESCO
25 and OECD.

1 (B) In offices at the Harry S. Truman
2 Building, the Department maintains a signifi-
3 cant number of positions in bureaus that are ei-
4 ther dedicated, or whose primary responsibility
5 is, to represent the United States to such orga-
6 nizations and institutions or at multilateral ne-
7 gotiations.

8 (C) Given the large number of positions in
9 the United States and abroad that are dedi-
10 cated to multilateral diplomacy, the Department
11 of State may be well served in developing per-
12 sons with specialized skills necessary to become
13 experts in this unique form of diplomacy.

14 (2) REPORT.—Not later than 180 days after
15 the date of the enactment of this Act, the Secretary
16 shall submit to the appropriate congressional com-
17 mittees a report—

18 (A) evaluating whether a new cone should
19 be established for the Foreign Service that con-
20 centrates on members of the Service that serve
21 at international organizations and multilateral
22 institutions or are primarily responsible for par-
23 ticipation in broad-based multilateral negotia-
24 tions of international instruments; and

1 (B) provides alternative mechanisms for
2 achieving the objective of developing a core
3 group of United States diplomats and other
4 government employees who have expertise and
5 broad experience in conducting multilateral di-
6 plomacy.

7 **SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OF-**
8 **FICE ON MULTILATERAL NEGOTIATIONS.**

9 (a) ESTABLISHMENT OF OFFICE.—The Secretary of
10 State is authorized to establish, within the Bureau of
11 International Organizational Affairs, an Office on Multi-
12 lateral Negotiations to be headed by a Special Representa-
13 tive for Multilateral Negotiations (in this section referred
14 to as the “special representative”).

15 (b) APPOINTMENT.—The special representative shall
16 be appointed by the President with the advice and consent
17 of the Senate and shall have the rank of Ambassador-at-
18 Large. At the discretion of the President another official
19 at the Department may serve as the special representative.
20 The President may direct that the special representative
21 report to the Assistant Secretary for International Organi-
22 zations.

23 (c) STAFFING.—The special representative shall have
24 a staff of foreign service and civil service officers skilled
25 in multilateral diplomacy.

1 (d) DUTIES.—The special representative shall have
2 the following responsibilities:

3 (1) IN GENERAL.—The primary responsibility
4 of the special representative shall be to assist in the
5 organization of, and preparation for, United States
6 participation in multilateral negotiations, including
7 the advocacy efforts undertaken by the Department
8 of State and other United States agencies.

9 (2) ADVISORY ROLE.—The special representa-
10 tive shall advise the President and the Secretary of
11 State, as appropriate, regarding advocacy at inter-
12 national organizations and multilateral institutions
13 and negotiations and, in coordination with the As-
14 sistant Secretary of State for International Organi-
15 zational Affairs, shall make recommendations re-
16 garding—

17 (A) effective strategies (and tactics) to
18 achieve United States policy objectives at multi-
19 lateral negotiations;

20 (B) the need for and timing of high level
21 intervention by the President, the Secretary of
22 State, the Deputy Secretary of State, and other
23 United States officials to secure support from
24 key foreign government officials for the United

1 States position at such organizations, institu-
2 tions, and negotiations;

3 (C) the composition of United States dele-
4 gations to multilateral negotiations; and

5 (D) liaison with Congress, international or-
6 ganizations, nongovernmental organizations,
7 and the private sector on matters affecting mul-
8 tilateral negotiations.

9 (3) DEMOCRACY CAUCUS.—The special rep-
10 resentative, in coordination with the Assistant Sec-
11 retary for International Organizational Affairs, shall
12 ensure the establishment of a democracy caucus.

13 (4) ANNUAL DIPLOMATIC MISSIONS OF MULTI-
14 LATERAL ISSUES.—The special representative, in co-
15 ordination with the Assistant Secretary for Inter-
16 national Organizational Affairs, shall organize an-
17 nual consultations between the principal officers re-
18 sponsible for advising the Secretary of State on
19 international organizations and foreign governments
20 to promote the United States agenda at the United
21 Nations General Assembly and other key inter-
22 national fora (such as the United Nations Human
23 Rights Commission).

24 (5) LEADERSHIP AND MEMBERSHIP OF INTER-
25 NATIONAL ORGANIZATIONS.—The special representa-

1 tive, in coordination with the Assistant Secretary of
2 International Organizational Affairs, shall direct the
3 efforts of the United States Government to reform
4 the criteria for leadership and membership of inter-
5 national organizations as described in section 435.

6 (6) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The special representative, or members
7 of the special representative’s staff, may, as required
8 by the President or the Secretary of State, serve on
9 a United States delegation to any multilateral nego-
10 tiation.

12 (e) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary of State shall
14 submit a plan to establish a democracy caucus to the ap-
15 propriate congressional committees. The report required
16 by section 437(c) may be submitted together with the re-
17 port under this subsection.

18 **SEC. 439. SYNCHRONIZATION OF UNITED STATES CON-**
19 **TRIBUTIONS TO INTERNATIONAL ORGANIZA-**
20 **TIONS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the President shall submit a plan to the
23 appropriate congressional committees on the implementa-
24 tion of section 404 of the Foreign Relations Authorization
25 Act of 2003 (Public Law 107–228), (relating to a resump-

1 tion by the United State of the payment of its full con-
 2 tribution to certain international organizations at the be-
 3 ginning of each calendar year).

4 **TITLE V—UNITED STATES**
 5 **INTERNATIONAL BROAD-**
 6 **CASTING ACTIVITIES**

7 **Subtitle A—Basic Authorities and**
 8 **Activities**

9 **SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.**

10 (a) The United States International Broadcasting
 11 Act of 1994 (22 U.S.C. 6201 et seq.) is amended by add-
 12 ing after section 309 the following new section:

13 **“SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK,**
 14 **INC.**

15 “(a) **AUTHORITY.**—Grants authorized under section
 16 305 shall be available to make annual grants to Mideast
 17 Radio and Television Network, Inc. (hereinafter in this
 18 title also referred to as ‘Mideast Network’) for the purpose
 19 of carrying out radio and television broadcasting to the
 20 Middle East region.

21 “(b) **FUNCTION.**—Mideast Network shall provide
 22 radio and television programming to the Middle East re-
 23 gion consistent with the broadcasting standards and
 24 broadcasting principles set forth in section 303 of this Act.

1 “(c) GRANT AGREEMENT.—Any grant agreement or
2 grants under this section shall be subject to the following
3 limitations and restrictions:

4 “(1) The Board may not make any grant to the
5 nonprofit corporation, Mideast Network unless its
6 certificate of incorporation provides that—

7 “(A) the Board of Directors of Mideast
8 Radio and Television Network, Inc. (hereinafter
9 referred to as ‘the Board’) shall consist of the
10 members of the Broadcasting Board of Gov-
11 ernors established under section 304 and of no
12 other members; and

13 “(B) the Board shall make all major policy
14 determinations governing the operation of Mid-
15 east Network and shall appoint and fix the
16 compensation of such managerial officers and
17 employees of Mideast Network as it considers
18 necessary to carry out the purposes of the grant
19 provided under this title, except that no officer
20 or employee may be paid a salary or other com-
21 pensation in excess of the rate of pay payable
22 for Level IV of the Executive Schedule under
23 section 5315 of title 5, United States Code.

24 “(2) Any grant agreement under this section
25 shall require that any contract entered into by Mid-

1 east Network shall specify that obligations are as-
2 sumed by Mideast Network and not the United
3 States Government.

4 “(3) Any grant agreement shall require that
5 any lease agreement entered into by Mideast Net-
6 work shall be, to the maximum extent possible, as-
7 signable to the United States Government.

8 “(4) Grants awarded under this section shall be
9 made pursuant to a grant agreement which requires
10 that grant funds be used only for activities con-
11 sistent with this section, and that failure to comply
12 with such requirements shall permit the grant to be
13 terminated without fiscal obligation to the United
14 States.

15 “(5) Duplication of language services and tech-
16 nical operations between the Mideast Radio and Tel-
17 evision Network, Inc., (including Radio Sawa), RFE/
18 RL, and the International Broadcasting Bureau will
19 be reduced to the extent appropriate, as determined
20 by the Board.

21 “(d) NOT A FEDERAL AGENCY OR INSTRUMEN-
22 TIALITY.—Nothing in this title may be construed to estab-
23 lish Mideast Network as a Federal agency or instrumen-
24 tality, nor shall the officers or employees of Mideast Net-

1 work be considered to be officers or employees of the
2 United States Government.

3 “(e) AUDIT AUTHORITY.—

4 “(1) Such financial transactions of Mideast
5 Network, as relate to functions carried out under
6 this section may be audited by the General Account-
7 ing Office in accordance with such principles and
8 procedures and under such rules and regulations as
9 may be prescribed by the Comptroller General of the
10 United States. Any such audit shall be conducted at
11 the place or places where accounts of Mideast Net-
12 work are normally kept.

13 “(2) Representatives of the General Accounting
14 Office shall have access to all books, accounts,
15 records, reports, files, papers, and property belong-
16 ing to or in use by Mideast Network pertaining to
17 such financial transactions as necessary to facilitate
18 an audit. Such representatives shall be afforded full
19 facilities for verifying transactions with any assets
20 held by depositories, fiscal agents, and custodians.
21 All such books, accounts, records, reports, files, pa-
22 pers, and property of Mideast Network shall remain
23 in the custody of Mideast Network.

24 “(3) Notwithstanding any other provisions of
25 law, the Inspector General of the Department of

1 State is authorized to exercise the authorities of the
2 Inspector General Act with respect to the Mideast
3 Network.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 305 of the United States Inter-
6 national Broadcasting Act of 1994 (22 U.S.C. 6204)
7 is amended—

8 (A) in subsection (a)(5) by striking “308
9 and 309” and inserting “308, 309, and 310”;

10 (B) in subsection (a)(6) by striking “308
11 and 309” and inserting “308, 309, and 310”;
12 and

13 (C) in subsection (c) by striking “308 and
14 309” and inserting “308, 309, and 310”.

15 (2) Section 307 of the United States Inter-
16 national Broadcasting Act of 1994 (22 U.S.C. 6206)
17 is amended—

18 (A) in subsection (a) by striking “308 and
19 309” and inserting “308, 309, and 310”; and

20 (B) in subsection (c) by adding “Mideast
21 Radio and Television Network, Inc.,” after
22 “Asia”.

23 (3) Section 304(g) of the United States Inter-
24 national Broadcasting Act of 1994 (22 U.S.C.
25 6203(g)) is amended by striking “and Radio Free

1 Asia” and inserting “, Radio Free Asia, and Mideast
2 Radio and Television Network, Inc.”.

3 (4) Section 8332(b)(11) of title 5, United
4 States Code, is amended by adding “Mideast Radio
5 and Television Network, Inc.,” after “the Asia
6 Foundation;”.

7 **SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.**

8 Section 3 of the Radio Broadcasting to Cuba Act (22
9 U.S.C. 1465a) is amended—

10 (1) in subsection (c) by striking the second sen-
11 tence and inserting “The Board is authorized to si-
12 multaneously utilize other broadcasting transmission
13 facilities, and other frequencies, including the Ampli-
14 tude Modulation (AM) Band (535 kHz to 1705
15 kHz), the Frequency Modulation (FM) Band, and
16 the Shortwave (SW) Band.”;

17 (2) in subsection (c) in the third sentence by
18 striking “*Provided, That*” and all that follows before
19 the period at the end;

20 (3) in subsection (d) by striking the last sen-
21 tence;

22 (4) by amending subsection (e) to read as fol-
23 lows:

1 “(e) Any program of United States Government radio
2 broadcasts to Cuba authorized by this section shall be des-
3 ignated ‘Radio Marti program.’”; and

4 (5) in subsection (f) by striking “Voice of
5 America”.

6 **SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER**
7 **JAMMING OF BROADCASTS OF RADIO MARTI**
8 **AND TV MARTI.**

9 Not later than 30 days after the date of the enact-
10 ment of this Act, the Secretary of State shall submit to
11 the appropriate congressional committees a report pro-
12 viding the following information:

13 (1) Specific steps taken to increase the capabili-
14 ties of Radio Marti and TV Marti to ensure that
15 broadcasts overcome jamming by the Government of
16 Cuba.

17 (2) An evaluation and analysis of not less than
18 10 alternate methods to counter jamming of radio
19 and television broadcasts including the following:

20 (A) Methods used to broadcast into Iraq
21 involving a C-130.

22 (B) Methods previously used to transmit
23 into the former Soviet Union and other Soviet
24 bloc countries.

1 (C) Successful methods employed by non-
2 United States Government entities, such as
3 those used by the Falun Gong to overcome Chi-
4 nese Government jamming and those recently
5 used by a Cuban exile group to transmit tele-
6 vision broadcasts into Cuba.

7 **Subtitle B—Global Internet** 8 **Freedom**

9 **SEC. 521. SHORT TITLE.**

10 This subtitle may be cited as the “Global Internet
11 Freedom Act of 2003”.

12 **SEC. 522. FINDINGS.**

13 The Congress makes the following findings:

14 (1) Freedom of speech, freedom of the press,
15 and freedom of association are fundamental charac-
16 teristics of a free society. The first amendment to
17 the Constitution of the United States guarantees
18 that “Congress shall make no law . . . abridging the
19 freedom of speech, or of the press; or the right of
20 the people peaceably to assemble.” These constitu-
21 tional provisions guarantee the rights of Americans
22 to communicate and associate with one another
23 without restriction, including unfettered communica-
24 tion and association via the Internet. Article 19 of
25 the United Nation’s Universal Declaration of

1 Human Rights explicitly guarantees the freedom to
2 “receive and impart information and ideas through
3 any media and regardless of frontiers”.

4 (2) All people have the right to communicate
5 freely with others, and to have unrestricted access to
6 news and information, on the Internet.

7 (3) With nearly 10 percent of the world’s popu-
8 lation now online, and more gaining access each day,
9 the Internet stands to become the most powerful en-
10 gine for democratization and the free exchange of
11 ideas ever invented.

12 (4) The governments of Burma, Cuba, Laos,
13 North Korea, the People’s Republic of China, Saudi
14 Arabia, Syria, and Vietnam, among others, are tak-
15 ing active measures to keep their citizens from freely
16 accessing the Internet and obtaining international
17 political, religious, and economic news and informa-
18 tion.

19 (5) The Voice of America and Radio Free Asia,
20 as well as hundreds of news sources with an Internet
21 presence, are routinely being jammed by repressive
22 governments.

23 (6) Since the 1940s, the United States has de-
24 ployed anti-jamming technologies to make Voice of
25 America and other United States Government spon-

1 sored broadcasting available to people in nations
2 with governments that seek to block news and infor-
3 mation.

4 (7) The United States Government has thus far
5 commenced only modest steps to fund and deploy
6 technologies to defeat Internet censorship.

7 (8) The success of United States policy in sup-
8 port of freedom of speech, press, and association re-
9 quires continued efforts to defeat totalitarian and
10 authoritarian controls on news and information over
11 the Internet.

12 **SEC. 523. PURPOSES.**

13 The purposes of this subtitle are—

14 (1) to adopt an effective and robust global
15 Internet freedom policy;

16 (2) to establish an office within the Broad-
17 casting Board of Governors with the sole mission of
18 countering Internet jamming and blocking by uti-
19 lizing available anti-jamming technology;

20 (3) to expedite the development and deployment
21 of technology to protect Internet freedom around the
22 world; and

23 (4) to bring to bear the pressure of the free
24 world on repressive governments guilty of Internet

1 censorship and the intimidation and persecution of
2 their citizens who use the Internet.

3 **SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECH-**
4 **NOLOGIES TO DEFEAT INTERNET JAMMING**
5 **AND CENSORSHIP.**

6 (a) ESTABLISHMENT OF OFFICE OF GLOBAL INTER-
7 NET FREEDOM.—The Broadcasting Board of Governors
8 shall establish an Office of Global Internet Freedom (here-
9 inafter in this subtitle referred to as the “Office”). The
10 Office shall develop and implement a comprehensive global
11 strategy to combat state-sponsored and state-directed
12 Internet jamming and persecution of those who use the
13 Internet.

14 (b) COOPERATION OF OTHER FEDERAL DEPART-
15 MENTS AND AGENCIES.—Each department and agency of
16 the United States Government shall cooperate fully with,
17 and assist in the implementation of, the strategy developed
18 by the Office and shall make such resources and informa-
19 tion available to the Office as is necessary to the achieve-
20 ment of the purposes of this subtitle.

21 (c) COOPERATION WITH DEPARTMENT OF STATE.—
22 The Office shall assist the Secretary of State in preparing
23 portions of the country reports on human rights practices
24 that address Internet accessibility.

1 (d) REPORT TO CONGRESS.—Nine months after the
2 date of the enactment of this Act, the Broadcasting Board
3 of Governors shall submit to the Congress a report on the
4 status of foreign government interference with Internet
5 use and of efforts by the United States to counter such
6 interference. The report shall list the countries that pur-
7 sue policies of Internet censorship, blocking, and other
8 abuses; provide information concerning the government
9 agencies or quasi-governmental organizations that imple-
10 ment Internet censorship; and describe with the greatest
11 particularity practicable the technological means by which
12 such blocking and other abuses are accomplished. In the
13 discretion of the Broadcasting Board of Governors, such
14 report may be submitted in both a classified and nonclassi-
15 fied version. One year after the date of submission of such
16 report, the Office shall submit a second report.

17 (e) LIMITATION ON AUTHORITY.—Nothing in this
18 subtitle shall be interpreted to authorize any action by the
19 United States to interfere with foreign national censorship
20 in furtherance of legitimate law enforcement aims con-
21 sistent with the Universal Declaration of Human Rights.

1 **Subtitle C—Reorganization of**
2 **United States International**
3 **Broadcasting**

4 **SEC. 531. ESTABLISHMENT OF UNITED STATES INTER-**
5 **NATIONAL BROADCASTING AGENCY.**

6 (a) IN GENERAL.—Section 304 of the United States
7 International Broadcasting Act of 1994 (22 U.S.C. 6203)
8 is amended to read as follows:

9 **“SEC. 304. ESTABLISHMENT OF UNITED STATES INTER-**
10 **NATIONAL BROADCASTING AGENCY.**

11 “(a) ESTABLISHMENT.—There is established as an
12 independent agency in the executive branch the United
13 States International Broadcasting Agency (hereinafter in
14 this Act referred to as the ‘Agency’).

15 “(b) BOARD OF GOVERNORS OF THE AGENCY.—

16 “(1) HEAD OF AGENCY.—The Agency shall be
17 headed by the Board of Governors of the United
18 States International Broadcasting Agency (herein-
19 after in this Act referred to as the ‘Board of Gov-
20 ernors’).

21 “(2) AUTHORITIES AND FUNCTIONS.—The
22 Board of Governors shall—

23 “(A) carry out the authorities and func-
24 tions of the Agency under section 305; and

1 “(B) be responsible for the exercise of all
2 authorities and powers and the discharge of all
3 duties and functions of the Agency.

4 “(3) COMPOSITION OF THE BOARD OF GOV-
5 ERNORS.—

6 “(A) The Board of Governors shall consist
7 of 9 members, as follows:

8 “(i) Eight voting members who shall
9 be appointed by the President, by and with
10 the advice and consent of the Senate.

11 “(ii) The Secretary of State who shall
12 also be a voting member.

13 “(B) The President shall appoint one
14 member (other than the Secretary of State) as
15 Chair of the Board of Governors, subject to the
16 advice and consent of the Senate.

17 “(C) Exclusive of the Secretary of State,
18 not more than 4 of the members of the Board
19 of Governors appointed by the President shall
20 be of the same political party.

21 “(4) TERM OF OFFICE.—The term of office of
22 each member of the Board of Governors shall be
23 three years, except that the Secretary of State shall
24 remain a member of the Board of Governors during
25 the Secretary’s term of service. The President shall

1 appoint, by and with the advice and consent of the
2 Senate, board members to fill vacancies occurring
3 prior to the expiration of a term, in which case the
4 members so appointed shall serve for the remainder
5 of such term. Any member whose term has expired
6 may serve until a successor has been appointed and
7 qualified. When there is no Secretary of State, the
8 Acting Secretary of State shall serve as a member
9 of the board until a Secretary is appointed.

10 “(5) SELECTION OF BOARD OF GOVERNORS.—

11 Members of the Board of Governors appointed by
12 the President shall be citizens of the United States
13 who are not regular full-time employees of the
14 United States Government. Such members shall be
15 selected by the President from among Americans
16 distinguished in the fields of mass communications,
17 print, broadcast media, or foreign affairs.

18 “(6) COMPENSATION.—Members of the Board

19 of Governors, while attending meetings of the board
20 or while engaged in duties relating to such meetings
21 or in other activities of the board pursuant to this
22 section (including travel time) shall be entitled to re-
23 ceive compensation equal to the daily equivalent of
24 the compensation prescribed for level IV of the Ex-
25 ecutive Schedule under section 5315 of title 5,

1 United States Code. While away from their homes or
2 regular places of business, members of the board
3 may be allowed travel expenses, including per diem
4 in lieu of subsistence, as authorized by law for per-
5 sons in the Government service employed intermit-
6 tently. The Secretary of State shall not be entitled
7 to any compensation under this title, but may be al-
8 lowed travel expenses as provided under this sub-
9 section.

10 “(7) DECISIONS.—Decisions of the Board of
11 Governors shall be made by majority vote, a quorum
12 being present. A quorum shall consist of 5 members.

13 “(8) IMMUNITY FROM CIVIL LIABILITY.—Not-
14 withstanding any other provision of law, any and all
15 limitations on liability that apply to the members of
16 the Board of Governors also shall apply to such
17 members when acting in their capacities as members
18 of the boards of directors of RFE/RL, Incorporated
19 and Radio Free Asia.

20 “(c) EXECUTIVE DIRECTOR.—

21 “(1) APPOINTMENT.—The Board of Governors
22 shall appoint an Executive Director of the Agency.
23 The Executive Director shall receive basic pay at the
24 rate payable for level III of the Executive Schedule
25 under section 5314 of title 5, United States Code.

1 The Director may be removed through a majority
2 vote of the Board.

3 “(2) FUNCTIONS AND DUTIES.—The Executive
4 Director shall have the following functions and du-
5 ties:

6 “(A) To exercise the authorities delegated
7 by the Board of Governors pursuant to section
8 305(b).

9 “(B) To carry out all broadcasting activi-
10 ties conducted pursuant to this title, the Radio
11 Broadcasting to Cuba Act, and the Television
12 Broadcasting to Cuba Act.

13 “(C) To examine and make recommenda-
14 tions to the Board of Governors on long-term
15 strategies for the future of international broad-
16 casting, including the use of new technologies.

17 “(D) To review engineering activities to
18 ensure that all broadcasting elements receive
19 the highest quality and cost-effective delivery
20 services.

21 “(E) To procure supplies, services, and
22 other personal property to carry out the func-
23 tions of the Agency.

24 “(F) To obligate and expend, for official
25 reception and representation expenses, such

1 amounts as may be made available through ap-
2 propriations.

3 “(G) To provide for the use of United
4 States Government transmitter capacity for
5 relay of broadcasting by grantees.

6 “(H) To procure temporary and intermit-
7 tent personal services to the same extent as is
8 authorized by section 3109 of title 5, United
9 States Code, at rates not to exceed the daily
10 equivalent of the rate provided for positions
11 classified above grade GS-15 of the General
12 Schedule under section 5108 of title 5, United
13 States Code.

14 “(I) To procure for the Agency, pursuant
15 to section 1535 of title 31, United States Code
16 goods and services from other departments or
17 agencies.

18 “(J) To the extent funds are available, to
19 lease space and acquire personal property for
20 the Agency.

21 “(d) INSPECTOR GENERAL AUTHORITIES.—

22 “(1) IN GENERAL.—The Inspector General of
23 the Department of State shall exercise the same au-
24 thorities with respect to the Agency as the Inspector
25 General exercises under the Inspector General Act of

1 1978 and section 209 of the Foreign Service Act of
2 1980 with respect to the Department of State.

3 “(2) RESPECT FOR JOURNALISTIC INTEGRITY
4 OF BROADCASTERS.—The Inspector General of the
5 Department of State and the Foreign Service shall
6 respect the journalistic integrity of all the broad-
7 casters covered by this title and may not evaluate
8 the philosophical or political perspectives reflected in
9 the content of broadcasts.”.

10 (b) RETENTION OF EXISTING BOARD MEMBERS.—
11 The members of the Broadcasting Board of Governors ap-
12 pointed by the President pursuant to section 304 of the
13 United States International Broadcasting Act of 1994 on
14 the day before the effective date of this title and holding
15 office as of that date may serve the remainder of their
16 terms of office as members of the Board of Governors es-
17 tablished under section 304(b) of the United States Inter-
18 national Broadcasting Act of 1994, as amended by sub-
19 section (a) of this section, without reappointment, or if
20 their term has expired may serve until a successor is ap-
21 pointed and qualified.

22 **SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

23 Section 305 of the United States International
24 Broadcasting Act of 1994 (22 U.S.C. 6204) is amended
25 to read as follows:

1 **“SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

2 “(a) The Agency shall have the following authorities
3 and functions:

4 “(1) To supervise all broadcasting activities
5 conducted pursuant to this title, the Radio Broad-
6 casting to Cuba Act, and the Television Broad-
7 casting to Cuba Act.

8 “(2) To review and evaluate the mission and
9 operation of, and to assess the quality, effectiveness,
10 and professional integrity of, all such activities with-
11 in the context of the broad foreign policy objectives
12 of the United States and the guiding principles and
13 doctrines of the United States, particularly freedom
14 and democracy.

15 “(3) To develop strategic goals after reviewing
16 human rights reporting and other reliable assess-
17 ments to assist in determining programming and re-
18 source allocation.

19 “(4) To ensure that United States international
20 broadcasting is conducted in accordance with the
21 standards and principles contained in section 303.

22 “(5) To review, evaluate, and determine, at
23 least annually, after consultation with the Secretary
24 of State, the addition or deletion of language serv-
25 ices.

1 “(6) To make and supervise grants for broad-
2 casting and related activities in accordance with sec-
3 tions 308 and 309.

4 “(7) To allocate funds appropriated for inter-
5 national broadcasting activities among the various
6 elements of the Agency and grantees, subject to the
7 limitations in sections 308 and 309 and subject to
8 reprogramming notification requirements in law for
9 the reallocation of funds.

10 “(8) To undertake such studies as may be nec-
11 essary to identify areas in which broadcasting activi-
12 ties under its authority could be made more efficient
13 and economical.

14 “(9) To submit to the President and the Con-
15 gress an annual report which summarizes and evalu-
16 ates activities under this title, the Radio Broad-
17 casting to Cuba Act, and the Television Broad-
18 casting to Cuba Act, placing special emphasis on the
19 assessment described in paragraph (2).

20 “(10) To make available in the annual report
21 required by paragraph (9) information on funds ex-
22 pended on administrative and managerial services by
23 the Agency and by grantees and the steps the Agen-
24 cy has taken to reduce unnecessary overhead costs
25 for each of the broadcasting services.

1 “(11) To utilize the provisions of titles III, IV,
2 V, VII, VIII, IX, and X of the United States Infor-
3 mation and Educational Exchange Act of 1948, and
4 section 6 of Reorganization Plan Number 2 of 1977,
5 as in effect on the day before the effective date of
6 title XIII of the Foreign Affairs Agencies Consolida-
7 tion Act of 1998, to the extent the Executive Direc-
8 tor considers necessary in carrying out the provi-
9 sions and purposes of this title.

10 “(12) To utilize the authorities of any other
11 statute, reorganization plan, Executive order, regula-
12 tion, agreement, determination, or other official doc-
13 ument or proceeding that had been available to the
14 Director of the United States Information Agency,
15 the Bureau, or the Board before the effective date
16 of title XIII of the Foreign Affairs Consolidation Act
17 of 1998 for carrying out the broadcasting activities
18 covered by this title.

19 “(b) DELEGATION OF AUTHORITY.—The Board of
20 Governors may delegate to the Executive Director of the
21 Agency, or any other officer or employee of the United
22 States, the authorities provided in this section, except
23 those authorities provided in paragraph (1), (2), (4), (5),
24 (6), (7), or (9) of subsection (a).

1 “(c) BROADCASTING BUDGETS.—The Executive Di-
 2 rector and the grantees identified in sections 308 and 309
 3 shall submit proposed budgets to the Board. The Board
 4 shall forward its recommendations concerning the pro-
 5 posed budget for the Board and broadcasting activities
 6 under this title, the Radio Broadcasting to Cuba Act, and
 7 the Television Broadcasting to Cuba Act to the Office of
 8 Management and Budget.”.

9 **SEC. 533. ROLE OF THE SECRETARY OF STATE.**

10 Section 306 of the United States International
 11 Broadcasting Act of 1994 (22 U.S.C. 6205) is amended
 12 to read as follows:

13 **“SEC. 306. ROLE OF THE SECRETARY OF STATE.**

14 “To assist the Agency in carrying out its functions,
 15 the Secretary of State shall provide such information and
 16 guidance on foreign policy and public diplomacy issues to
 17 the Agency as the Secretary considers appropriate.”.

18 **SEC. 534. ADMINISTRATIVE PROVISIONS.**

19 The United States International Broadcasting Act of
 20 1994 is amended by striking section 307 and inserting the
 21 following new section:

22 **“SEC. 307. ADMINISTRATIVE PROVISIONS.**

23 “(a) OFFICERS AND EMPLOYEES.—The Board of
 24 Governors may appoint and fix the compensation of such
 25 officers and employees as may be necessary to carry out

1 the functions of the Agency. Except as otherwise provided
2 by law, such officers and employees shall be appointed in
3 accordance with the civil service laws and their compensa-
4 tion shall be fixed in accordance with title 5, United States
5 Code.

6 “(b) EXPERTS AND CONSULTANTS.—The Board of
7 Governors, as may be provided in appropriation Acts, may
8 obtain the services of experts and consultants in accord-
9 ance with section 3109 of title 5, United States Code, and
10 may compensate such experts and consultants at rates not
11 to exceed the daily rate prescribed for level IV of the Exec-
12 utive Schedule under section 5315 of title 5, United States
13 Code.

14 “(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

15 “(1) IN GENERAL.—Notwithstanding section
16 1342 of title 31, United States Code, the Board of
17 Governors may accept, subject to regulations issued
18 by the Office of Personnel Management, voluntary
19 services if such services—

20 “(A) are to be uncompensated; and

21 “(B) are not used to displace any em-
22 ployee.

23 “(2) TREATMENT.—Any individual who pro-
24 vides voluntary services under this section shall not
25 be considered a Federal employee for any purpose

1 other than for purposes of chapter 81 of title 5,
2 United States Code (relating to compensation for in-
3 jury) and sections 2671 through 2680 of title 28,
4 United States Code (relating to tort claims).

5 “(d) DELEGATION.—Except as otherwise provided in
6 this Act, the Board of Governors may delegate any func-
7 tion to the Executive Director and such other officers and
8 employees of the Agency as the Board of Governors may
9 designate, and may authorize such successive redelega-
10 tions of such functions within the Agency as may be nec-
11 essary or appropriate.

12 “(e) CONTRACTS.—

13 “(1) IN GENERAL.—Subject to the Federal
14 Property and Administrative Services Act of 1949
15 and other applicable Federal law, the Board of Gov-
16 ernors may make, enter into, and perform such con-
17 tracts, grants, leases, cooperative agreements, and
18 other similar transactions with Federal or other pub-
19 lic agencies (including State and local governments)
20 and private organizations and persons, and to make
21 such payments, by way of advance or reimburse-
22 ment, as the Board of Governors may determine
23 necessary or appropriate to carry out functions of
24 the Board of Governors or the Agency.

1 “(2) APPROPRIATION AUTHORITY REQUIRED.—

2 No authority to enter into contracts or to make pay-
3 ments under this title shall be effective except to
4 such extent or in such amounts as are provided in
5 advance under appropriation Acts.

6 “(f) REGULATIONS.—The Executive Director may
7 prescribe such rules and regulations as the Board of Gov-
8 ernors considers necessary or appropriate to administer
9 and manage the functions of the Agency, in accordance
10 with chapter 5 of title 5, United States Code.

11 “(g) SEAL.—The Executive Director shall cause a
12 seal of office to be made for the Agency of such design
13 as the Board of Governors shall approve. Judicial notice
14 shall be taken of such seal.”

15 **SEC. 535. BROADCASTING BOARD OF GOVERNORS AND**

16 **INTERNATIONAL BROADCASTING BUREAU.**

17 The Broadcasting Board of Governors and the Inter-
18 national Broadcasting Bureau are abolished.

19 **SEC. 536. TRANSITION.**

20 (a) TRANSFER OF FUNCTIONS.—Except as otherwise
21 provided in this subtitle or an amendment made by this
22 subtitle, all functions that on the day before the effective
23 date specified in section 540 are authorized to be per-
24 formed by the Broadcasting Board of Governors and the
25 International Broadcasting Bureau and any officer, em-

1 ployee, or component of such entities, under any statute,
2 reorganization plan, Executive order, or other provision of
3 law, are transferred to the Agency established under this
4 title effective on that date.

5 (b) DETERMINATION OF CERTAIN FUNCTIONS.—If
6 necessary, the Office of Management and Budget shall
7 make any determination of the functions that are trans-
8 ferred under this title.

9 (c) TRANSITION PROVISIONS.—

10 (1) EXERCISE OF AUTHORITIES.—Except as
11 otherwise provided by law, the Board of Governors
12 may, for purposes of performing a function that is
13 transferred to the Agency by this title, exercise all
14 authorities under any other provision of law that
15 were available with respect to the performance of
16 that function to the official responsible for the per-
17 formance of that function on the day before the ef-
18 fective date specified in section 540.

19 (2) AUTHORITIES TO WIND UP AFFAIRS.—

20 (A) The Director of the Office of Manage-
21 ment and Budget may take such actions as the
22 Director of the Office of Management and
23 Budget considers necessary to wind up any out-
24 standing affairs of the Broadcasting Board of
25 Governors and the International Broadcasting

1 Bureau associated with the functions that are
2 transferred pursuant to subsection (a).

3 (B) The Director of the Office of Manage-
4 ment and Budget may take such actions as the
5 Director of the Office of Management and
6 Budget considers necessary to wind up any out-
7 standing affairs of the Broadcasting Board of
8 Governors and the International Broadcasting
9 Bureau associated with the functions that are
10 transferred pursuant to subsection (a).

11 (3) TRANSFER OF ASSETS.—Any property,
12 records, unexpended balances of appropriations, allo-
13 cations, and other funds employed, used, held, avail-
14 able, or to be made available in connection with a
15 function transferred to the Agency by this Act are
16 transferred on the effective date specified in section
17 540.

18 **SEC. 537. CONFORMING AMENDMENTS.**

19 (a) UNITED STATES INTERNATIONAL BROAD-
20 CASTING ACT OF 1994.—The United States International
21 Broadcasting Act of 1994 is amended as follows:

22 (1) Section 308 (22 U.S.C. 6207) is amended—
23 (A) in subsection (a)—
24 (i) by striking “The Board” and in-
25 serting “The Agency”; and

1 (ii) in paragraph (1) by striking
2 “Broadcasting Board of Governors” and
3 inserting “Board Governors of the Inter-
4 national Broadcasting Agency”;

5 (B) in subsection (b)—

6 (i) by striking paragraph (2);

7 (ii) by striking “(1)”; and

8 (iii) by striking “Board” both places
9 it appears and inserting “Agency”;

10 (C) in subsections (c), (d), (g), (h), and (i)
11 by striking “Board” each place it appears and
12 inserting “Agency”;

13 (D) in subsection (g)(4) by striking “Inter-
14 national Broadcasting Bureau” and inserting
15 “Agency”; and

16 (E) in subsections (i) and (j) by striking
17 “and the Foreign Service” each place it ap-
18 pears.

19 (2) Section 309 (22 U.S.C. 6208) is amended—

20 (A) in subsection (c)(1) by striking
21 “Board” both places it appears and inserting
22 “Agency”;

23 (B) by striking subsection (e);

1 (C) in subsections (f) and (g) by striking
2 “Board” each place it appears and inserting
3 “Agency”; and

4 (D) in subsection (g) by striking “Chair-
5 man of the Board” and inserting “Agency”.

6 (3) By striking section 311 (22 U.S.C. 6210).

7 (4) In section 313 (22 U.S.C. 6212) by striking
8 “Board” and inserting “Agency”.

9 (5) In section 314 (22 U.S.C. 6213) by striking
10 paragraph (2).

11 (6) By striking section 315.

12 (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY
13 (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban
14 Liberty and Democratic Solidarity (LIBERTAD) Act of
15 1996 (22 U.S.C. 6037) is amended in subsections (a) and
16 (b) by striking “International Broadcasting Bureau” each
17 place it appears and inserting “United States Inter-
18 national Broadcasting Agency”.

19 (c) RADIO BROADCASTING TO CUBA ACT.—The
20 Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.)
21 is amended as follows:

22 (1) In section 3 (22 U.S.C. 1465a) as follows:

23 (A) In the section heading by striking
24 “BROADCASTING BOARD OF GOV-
25 ERNORS” and inserting “UNITED STATES

1 INTERNATIONAL BROADCASTING
2 AGENCY”.

3 (B) In subsection (a) by striking “the
4 ‘Board’” and inserting “the ‘Agency’”.

5 (C) In subsections (a), (d), and (f) by
6 striking “Broadcasting Board of Governors”
7 and inserting “United States International
8 Broadcasting Agency”.

9 (2) In section 4 (22 U.S.C. 1465b) as follows:

10 (A) In the first sentence by striking “The”
11 and all that follows through “Bureau” and in-
12 serting: “The Board of Governors of the United
13 States International Broadcasting Agency shall
14 establish within the Agency”.

15 (B) In the third sentence by striking
16 “Broadcasting Board of Governors” and insert-
17 ing “Board of Governors of the United States
18 International Broadcasting Agency”.

19 (C) In the fourth sentence by striking
20 “Board of the International Broadcasting Bu-
21 reau” and inserting “Board of Governors of the
22 United States International Broadcasting Agen-
23 cy”.

24 (3) In section 5 (22 U.S.C. 1465c) as follows:

1 (A) In subsection (b) by striking “Broad-
2 casting Board of Governors” and inserting
3 “Board of Governors of the United States
4 International Broadcasting Agency”.

5 (B) By striking “Board” each place it ap-
6 pears and inserting “Advisory Board”.

7 (4) In section 6 (22 U.S.C. 1465d) as follows:

8 (A) In subsection (a) by striking “Broad-
9 casting Board of Governors” and inserting
10 “United States International Broadcasting
11 Agency” and by striking “Board” and inserting
12 “Board of Directors of the United States Inter-
13 national Broadcasting Agency”.

14 (B) In subsection (b) by striking “Board”
15 and inserting “United States International
16 Broadcasting Agency”.

17 (5) In section 7 (22 U.S.C. 1465e) by striking
18 “Board” in subsections (b) and (d) and inserting
19 “United States International Broadcasting Agency”.

20 (6) In section 8(a) (22 U.S.C. 1465f(a)), by
21 striking “Broadcasting Board of Governors” and in-
22 serting “United States International Broadcasting
23 Agency”.

1 (d) TELEVISION BROADCASTING TO CUBA ACT.—
2 The Television Broadcasting to Cuba Act (22 U.S.C.
3 1465aa note) is amended as follows:

4 (1) Section 243(a) (22 U.S.C. 1465bb) is
5 amended by striking “Broadcasting Board of Gov-
6 ernors” and inserting “United States International
7 Broadcasting Agency”.

8 (2) Section 244 (22 U.S.C. 1465cc) is amended
9 as follows:

10 (A) In subsection (a) by amending the
11 third sentence to read as follows: “The Board
12 of Governors of the United States International
13 Broadcasting Agency shall appoint a head of
14 the Service who shall report directly to the
15 Board of Governors.”.

16 (B) In subsection (b) by striking “Board”
17 and inserting “United States International
18 Broadcasting Agency”.

19 (C) In subsection (c) by striking “The
20 Board” and inserting “The Agency” and by
21 striking “Board determines” and inserting
22 “Board of Governors of the United States
23 International Broadcasting Agency deter-
24 mines”.

1 (3) In section 246 (22 U.S.C. 1465dd) by strik-
2 ing “United States Information Agency” and insert-
3 ing “United States International Broadcasting
4 Agency” and by striking “Board” and inserting
5 “Board of Governors of the United States Inter-
6 national Broadcasting Agency”.

7 (e) UNITED STATES INFORMATION AND EDU-
8 CATIONAL EXCHANGE ACT OF 1948.—The United States
9 Information and Educational Exchange Act of 1948 (22
10 U.S.C. 1431 et seq.) is amended—

11 (1) in section 505 (22 U.S.C. 1464a), by strik-
12 ing “Broadcasting Board of Governors” each place
13 it appears and inserting “United States Inter-
14 national Broadcasting Agency”; and

15 (2) in section 506(c) (22 U.S.C. 1464b(c))—

16 (A) by striking “Broadcasting Board of
17 Governors” and inserting “United States Inter-
18 national Broadcasting Agency”; and

19 (B) by striking “Board” and inserting
20 “Agency”.

21 (f) FOREIGN SERVICE ACT OF 1980.—The Foreign
22 Service Act of 1980 (22 U.S.C. 3901 et seq.) is amend-
23 ed—

24 (1) in section 202(a)(1) (22 U.S.C.
25 3922(a)(1)), by striking “Broadcasting Board of

1 Governors” and inserting “United States Inter-
2 national Broadcasting Agency”;

3 (2) in section 210 (22 U.S.C. 3930), by striking
4 “Broadcasting Board of Governors” and inserting
5 “United States International Broadcasting Agency”;

6 (3) in section 1003(a) (22 U.S.C. 4103(a)), by
7 striking “Broadcasting Board of Governors” and in-
8 serting “United States International Broadcasting
9 Agency”; and

10 (4) in section 1101(e) (22 U.S.C. 4131(e)), by
11 striking “Broadcasting Board of Governors,” and in-
12 serting “the United States International Broad-
13 casting Agency,”.

14 (g) STATE DEPARTMENT BASIC AUTHORITIES ACT
15 OF 1956.—The State Department Basic Authorities Act
16 of 1956 (22 U.S.C. 2651a et seq.) is amended—

17 (1) in section 23(a) (22 U.S.C. 2695(a)), by
18 striking “Broadcasting Board of Governors,” and in-
19 serting “United States International Broadcasting
20 Agency,”;

21 (2) in section 25(f) (22 U.S.C. 2697(f))—

22 (A) by striking “Broadcasting Board of
23 Governors” and inserting “United States Inter-
24 national Broadcasting Agency”; and

1 (B) by striking “the Board and the Agen-
2 cy” and inserting “their respective agencies”;

3 (3) in section 26(b) (22 U.S.C. 2698(b))—

4 (A) by striking ‘Broadcasting Board of
5 Governors,’ and inserting “United States Inter-
6 national Broadcasting Agency”; and

7 (B) by striking “the Board and the Agen-
8 cy” and inserting “their respective agencies”;

9 and

10 (4) in section 32 (22 U.S.C. 2704), by striking
11 “Broadcasting Board of Governors” and inserting
12 “United States International Broadcasting Agency”.

13 (h) TITLE 5, UNITED STATES CODE.—

14 (1) Section 5314 of title 5, United States Code,
15 is amended by adding at the end the following: “Ex-
16 ecutive Director, United States International Broad-
17 casting Agency.”.

18 (2) Section 5315 of title 5, United States Code,
19 is amended by striking “Director of the Inter-
20 national Broadcasting Bureau.”.

21 **SEC. 538. REFERENCES.**

22 Except as otherwise provided in this subtitle or an
23 amendment made by this subtitle, any reference in any
24 statute, reorganization plan, Executive order, regulation,
25 agreement, determination, or other official document or

1 proceeding to the Broadcasting Board of Governors and
2 the International Broadcasting Bureau or any other offi-
3 cer or employee of the Broadcasting Board of Governors
4 or the International Broadcasting Bureau shall be deemed
5 to refer to the United States International Broadcasting
6 Agency or the Board of Governors of the United States
7 International Broadcasting Agency established under this
8 subtitle.

9 **SEC. 539. BROADCASTING STANDARDS.**

10 Section 303(a) of the United States International
11 Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amend-
12 ed—

13 (1) in paragraph (6) by striking “and”;

14 (2) in paragraph (8) by striking the period and
15 inserting “; and”; and

16 (3) by adding after paragraph (8) the following
17 new paragraph:

18 “(9) seek to ensure that resources are allocated
19 to broadcasts directed at people whose governments
20 deny freedom of expression or who are otherwise in
21 special need of honest and professional broadcasting,
22 commensurate with the need for such broadcasts.”.

23 **SEC. 540. EFFECTIVE DATE.**

24 Except as otherwise provided, this subtitle and the
25 amendments made by this subtitle shall take effect on the

1 last day of the 6-month period beginning on the date of
2 the enactment of this Act.

3 **TITLE VI—INTERNATIONAL**
4 **FREE MEDIA ACT OF 2003**

5 **SEC. 601. SHORT TITLE.**

6 This title may be cited as the “International Free
7 Media Act of 2003”.

8 **SEC. 602. DEFINITIONS.**

9 In this title, the term “free media” means individuals
10 or organizations engaged in the gathering and distribution
11 of news and information free of direct or indirect govern-
12 mental control.

13 **SEC. 603. FINDINGS.**

14 The Congress makes the following findings:

15 (1) Freedom of speech and freedom of the press
16 are fundamental human rights enshrined in inter-
17 national law.

18 (2) The United States has a national interest in
19 promoting these freedoms by supporting free media
20 abroad, which is essential to the development of free
21 and democratic societies consistent with our own.

22 (3) Free media is undermined, endangered, or
23 nonexistent in many repressive and transitional soci-
24 eties around the world, including in Eurasia, Africa,
25 and the Middle East.

1 (4) Free media is suppressed by foreign govern-
2 ments by a variety of means, including state censor-
3 ship, legal restriction, financial pressure, and phys-
4 ical intimidation.

5 (5) Unprofessional and unethical media that
6 violate widely accepted standards of professional
7 journalism and editorial practice compromises the
8 ability of a free media to contribute to open, fair,
9 and constructive democratic debate.

10 (6) Unprofessional and unethical media in-
11 cludes media that violate the standards set in the
12 International Covenant on Civil and Political Rights,
13 which includes article 20, section 2 of the Covenant
14 which states that “Any advocacy of national, racial,
15 or religious hatred that constitutes incitement to dis-
16 crimination, hostility, or violence shall be prohibited
17 by law.”.

18 (7) Individuals lacking access to a plurality of
19 free media are vulnerable to misinformation and
20 propaganda and are potentially more likely to adopt
21 anti-American views.

22 (8) Foreign governments have a responsibility
23 to actively and publicly discourage and rebut unpro-
24 fessional and unethical media while respecting jour-
25 nalistic integrity and editorial independence.

1 (9) Past and continuing United States Govern-
2 ment efforts to promote free media through training
3 and technical support have advanced United States
4 national interests by contributing to the promotion
5 of human rights and democracy worldwide.

6 (10) Support for free media must be an integral
7 part of United States foreign policy, including public
8 diplomacy and United States international broad-
9 casting, and should be coordinated across govern-
10 ment agencies and with international, bilateral, and
11 private donor organizations toward achieving the
12 shared goal of developing professional, ethical, diver-
13 sified, sustainable, independent, indigenous media
14 worldwide.

15 **SEC. 604. STATEMENTS OF POLICY.**

16 It shall be the policy of the United States, acting
17 through the Secretary of State, to—

18 (1) make the promotion of press freedoms and
19 free media worldwide a priority of United States for-
20 eign policy and an integral component of United
21 States public diplomacy;

22 (2) respect the journalistic integrity and edi-
23 torial independence of free media worldwide; and

1 (3) use widely accepted standards for profes-
2 sional and ethical journalistic and editorial practices
3 in assessing international media.

4 **SEC. 605. COORDINATOR FOR INTERNATIONAL FREE**
5 **MEDIA.**

6 (a) **ESTABLISHMENT.**—There is established within
7 the Department of State a Coordinator for International
8 Free Media (in this section referred to as the “Coordi-
9 nator”). At the discretion of the President another official
10 at the Department of State may serve as the Coordinator.

11 (b) **APPOINTMENT OF COORDINATOR.**—The Coordi-
12 nator shall be appointed by the President, by and with
13 the advice and consent of the Senate.

14 (c) **DUTIES.**—The principal duties of the Coordinator
15 shall be the promotion of international press freedoms and
16 free media by—

17 (1) coordinating United States government poli-
18 cies, programs, and projects concerning international
19 press freedoms and free media;

20 (2) monitoring and assessing the status of free
21 media worldwide in consultation with appropriate
22 agencies of the United States Government and na-
23 tional and international organizations;

1 (3) promoting widely accepted standards of pro-
2 fessional and ethical journalism and editorial prac-
3 tices;

4 (4) discouraging media from advocating na-
5 tional, racial, or religious hatred that constitutes in-
6 citement to discrimination, hostility, or violence con-
7 sistent with article 20, section 2 of the International
8 Covenant on Civil and Political Rights;

9 (5) promoting the journalistic integrity and edi-
10 torial independence of free media worldwide;

11 (6) advising the President and the Secretary of
12 State regarding matters of international press free-
13 doms and free media;

14 (7) representing the United States in matters
15 and cases relevant to international press freedoms
16 and free media;

17 (8) assisting the Secretary of State in preparing
18 the portions of the Department of State country re-
19 ports on human rights that relate to international
20 press freedoms and free media;

21 (9) consulting with the Broadcasting Board of
22 Governors and the United States Agency for Inter-
23 national Development for the purpose of promoting
24 free media through training of international journal-
25 ists, producers, editors, and media managers; and

1 (10) administering the International Free
2 Media Fund (established in section 607) in consulta-
3 tion with the United States Advisory Commission on
4 Public Diplomacy and International Media.

5 (d) ASSESSMENT FACTORS.—In making an assess-
6 ment of media within individual countries pursuant to sub-
7 section (c)(2), the Coordinator shall take into account—

8 (1) the number and diversity of media;

9 (2) access to and consumption of media by pop-
10 ulations;

11 (3) the extent of direct or indirect government
12 ownership, control, or censorship of media outlets;

13 (4) the financial viability and profitability of
14 free media;

15 (5) the extent to which journalists, editors, and
16 media managers adhere to widely accepted standards
17 for professional and ethical journalism;

18 (6) domestic laws addressing press freedoms;

19 (7) instances in which the media have incited
20 discrimination, hostility, or violence consistent with
21 article 20, section 2 of the International Covenant
22 on Civil and Political Rights;

23 (8) physical threats, intimidation or inappro-
24 piate pressure by government on free media;

1 (9) the number of journalists, editors, pro-
2 ducers, and media managers receiving training from
3 programs of the Department of State, the Broad-
4 casting Board of Governors, grantees of the United
5 States Agency for International Development, or
6 other organizations qualified to provide such train-
7 ing; and

8 (10) the activity of local and international non-
9 governmental organizations promoting press free-
10 doms and free media and obstacles to their activity.

11 (e) CONSULTATION REQUIREMENT.—The Coordi-
12 nator shall consult with United States public affairs offi-
13 cers and other United States foreign mission personnel di-
14 rectly engaged in interacting with indigenous media in car-
15 rying out the duties specified in subsection (c).

16 (f) FUNDING.—The Secretary of State shall ensure
17 that the Coordinator has adequate staff and funding for
18 the conduct of investigations, the administration of the
19 International Free Media Fund, necessary travel, and oth-
20 ers activities necessary to carry out the provisions of this
21 section.

1 **SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUB-**
2 **LIC DIPLOMACY AND INTERNATIONAL**
3 **MEDIA.**

4 (a) ESTABLISHMENT.—Section 604(a)(1) of the
5 United States Information and Educational Exchange Act
6 of 1948 (22 U.S.C. 1469) is amended to read as follows:

7 “(1) There is established an advisory commis-
8 sion to be known as the United States Advisory
9 Commission on Public Diplomacy and International
10 Media.”.

11 (b) DUTIES AND RESPONSIBILITIES.—Section 604(c)
12 of the United States Information and Exchange Act of
13 1948 (22 U.S.C. 1469) is amended by adding at the end
14 the following:

15 “(5) The Commission shall—

16 “(A) advise the Coordinator for Inter-
17 national Free Media on issues relating to the
18 promotion of international press freedoms and
19 free media;

20 “(B) assist the Coordinator for Inter-
21 national Free Media in monitoring and assess-
22 ing the status of free media worldwide;

23 “(C) consult with the Coordinator on the
24 administration of the International Free Media
25 Fund; and

1 “(D) make policy recommendations to the
2 President, the Secretary of State, and Congress
3 with respect to matters involving international
4 press freedoms and free media.”.

5 (c) REFERENCES.—Except as otherwise provided in
6 this section or an amendment made by this section, any
7 reference in any statute, reorganization plan, Executive
8 order, regulation, agreement, determination, or other offi-
9 cial document or proceeding to the United States Advisory
10 Commission on Public Diplomacy or any other officer or
11 employee of the United States Advisory Commission on
12 Public Diplomacy shall be deemed to refer to the United
13 States Advisory Commission on Public Diplomacy and
14 International Media established under this section.

15 **SEC. 607. INTERNATIONAL FREE MEDIA FUND.**

16 (a) ESTABLISHMENT.—There is established an Inter-
17 national Free Media Fund (in this section referred to as
18 the “Fund”) at the Department of State.

19 (b) PURPOSES.—The purposes of the Fund shall
20 be—

21 (1) to promote the development of free and
22 independent media worldwide which adhere to widely
23 accepted standards of professional and ethical jour-
24 nalism and editorial practice; and

1 (2) to complement current efforts by the De-
2 partment of State, the United States Agency for
3 International Development, the Broadcasting Board
4 of Governors, and other agencies of the United
5 States Government to support free and independent
6 media worldwide.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to amounts otherwise authorized to be appropriated
9 to carry out the purposes specified in subsection (b), there
10 is authorized to be appropriated to the Fund \$15,000,000
11 for fiscal year 2004. Such amounts are authorized to re-
12 main available until expended.

13 (d) NONAPPLICABILITY OF OTHER LAWS.—Notwith-
14 standing any other provision of law, funds appropriated
15 pursuant to subsection (c) may be used for the purposes
16 of this section.

17 (e) ADMINISTRATION.—

18 (1) The Fund shall be administered by the Co-
19 ordinator in consultation with the Commission.

20 (2) Activities and assistance financed through
21 the Fund may be carried out through grants, con-
22 tracts, technical assistance, and material support.

23 (f) ELIGIBLE ORGANIZATIONS, PROGRAMS, AND
24 PROJECTS.—Amounts in the Fund may be used to carry
25 out activities and provide assistance only for organiza-

1 tions, programs, and projects consistent with the purposes
2 set forth in subsection (b).

3 (g) PROHIBITIONS.—Amounts in the Fund shall not
4 be used to carry out activities or provide assistance to or-
5 ganizations, programs, or projects which advocate na-
6 tional, racial, or religious hatred that incites discrimina-
7 tion, hostility, or violence consistent with article 20, sec-
8 tion 2 of the International Covenant on Civil and Political
9 Rights.

10 (h) ASSISTANCE CRITERIA.—In administering the
11 Fund, the Coordinator shall take into account—

12 (1) the importance of providing assistance to
13 organizations, programs, and projects based on their
14 proven or potential contribution to the development
15 of a free media environment worldwide;

16 (2) the importance of enabling free media to be-
17 come commercially viable and financially inde-
18 pendent in the long term; and

19 (3) the importance of providing media per-
20 sonnel whose organizations, programs, or projects
21 receive assistance under this section for training in
22 professional and ethical journalism, editorial prac-
23 tices, and media management by the Department of
24 State, the Broadcasting Board of Governors, United
25 States Agency for International Development grant-

1 ees, or other organizations qualified to provide such
2 training.

3 (i) ANNUAL REPORTS.—Not later than January 31,
4 of 2005 and in each subsequent year, the Coordinator
5 shall publish an annual report on the activities of the
6 Fund, which shall include a comprehensive and detailed
7 description of the operations, activities, financial condi-
8 tion, and accomplishments under this section for the pre-
9 ceding fiscal year. The reports shall also include an assess-
10 ment of whether the Fund should also provide loans and
11 guarantees as an additional means to carry out the pur-
12 poses of this title.

13 (j) CONSULTATION REQUIREMENTS.—

14 (1) The Coordinator shall consult with the
15 State Department official primarily responsible for
16 developing and implementing United States policy
17 with respect to a country prior to carrying out ac-
18 tivities or providing assistance for such country
19 through the Fund.

20 (2) Amounts in the Fund shall be used to carry
21 out activities or provide assistance on the basis of
22 consultations among all relevant United States Gov-
23 ernment agencies operating in the country and with
24 the approval of the chief of mission.

1 **SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE**
2 **BROADCASTING BOARD OF GOVERNORS.**

3 (a) IN GENERAL.—The Broadcasting Board of Gov-
4 ernors shall make support for indigenous free media an
5 integral part of its mission.

6 (b) AFFILIATES.—The Broadcasting Board of Gov-
7 ernors shall submit a report to the appropriate congres-
8 sional committees on the prospects and strategy for culti-
9 vating affiliate relationships with free media in countries
10 targeted for United States international broadcasting.

11 (c) TRAINING.—The Broadcasting Board of Gov-
12 ernors shall enhance foreign journalist training programs
13 in coordination with existing training programs adminis-
14 tered by the Department of State and the United States
15 Agency for International Development.

16 (d) AUTHORIZATION FOR APPROPRIATIONS.—In ad-
17 dition to amounts otherwise authorized to be appropriated,
18 there is authorized to be appropriated \$2,500,000 for the
19 fiscal year 2004 and \$2,500,000 for the fiscal year 2005
20 to support free media in countries in which the Broad-
21 casting Board of Governors is decreasing or discontinuing
22 United States international broadcasting activity.

1 **TITLE VII—MISCELLANEOUS**
2 **PROVISIONS**
3 **Subtitle A—Reporting**
4 **Requirements**

5 **SEC. 701. REPORTS ON BENCHMARKS FOR BOSNIA.**

6 (a) Section 7 of the 1998 Supplemental Appropria-
7 tions and Rescissions Act (Public Law 105–174, 112 Stat.
8 64) is amended—

9 (1) at the end of paragraph (1) by striking “;
10 and” and inserting a period;

11 (2) by striking “Congress” and all that follows
12 through “not later” and inserting “Congress not
13 later”; and

14 (3) by striking paragraph (2).

15 (b) Section 1203 of the Strom Thurmond National
16 Defense Authorization Act for Fiscal Year 1999 (Public
17 Law 105–261) is repealed.

18 **SEC. 702. REPORTS TO COMMITTEE ON INTERNATIONAL**
19 **RELATIONS.**

20 Notwithstanding any other provision of law, for the
21 fiscal years 2004 and 2005, any report required by law
22 or otherwise requested to be submitted by the Secretary
23 of State or the Department of State to any committee of
24 the Congress shall be submitted also to the Committee on
25 International Relations of the House of Representatives.

1 **SEC. 703. 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. 704. 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. 705. 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 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. 706. 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. 707. 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 an third-party institutions for an immediate
18 cease-fire between the LRA and the Ugandan Gov-
19 ernment, 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 **Subtitle B—Other Matters**

11 **SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR, 12 JUSTICE, AND REHABILITATION.**

13 The Congress—

14 (1) recalls that the United Nations Inter-
15 national Commission of Inquiry concluded in Janu-
16 ary 2000 that “the Indonesian Army was responsible
17 for the intimidation, terror, killings and other acts
18 of violence” during East Timor’s vote for independ-
19 ence in 1999;

20 (2) reiterates that justice for crimes against hu-
21 manity and war crimes committed in East Timor
22 during the vote for independence in 1999 is crucial
23 for peace, reconciliation, and the ongoing nation-
24 building process in East Timor and Indonesia;

1 (3) finds that the ad hoc Human Rights Court
2 on East Timor established by the Indonesian Gov-
3 ernment in 2001 has inadequately brought to justice
4 the perpetrators of these crimes as eleven of four-
5 teen defendants have been acquitted as a result of
6 poor indictments and the absence of an adequate
7 witness protection program, and four of the five sen-
8 tences imposed have been less than the minimum al-
9 lowed under the Indonesian Human Rights Law;

10 (4) supports the work of the Joint United Na-
11 tions-East Timor Serious Crimes Unit (SCU), which
12 filed indictments against high-ranking Indonesian
13 officers who were allegedly involved in the crimes,
14 including Gen. Wiranto, Maj. Gen. Kiki Syahnakri,
15 Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam
16 Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat
17 Sudrajat and former Governor Abilio Soares, and ex-
18 presses its strong disappointment that the Indo-
19 nesian Government has stated its intention to ignore
20 the indictments;

21 (5) calls on the State Department and the
22 United States Mission to the United Nations to push
23 for a comprehensive United Nations review of the
24 Indonesian ad hoc Human Rights Court on East
25 Timor, including a review of the conduct of trials,

1 the indictment strategy by the prosecutors and its
2 adherence to the international standards, and urges
3 the State Department to consider alternative mecha-
4 nisms of justice for East Timor, including the estab-
5 lishment of an ad hoc international tribunal; and

6 (6) urges the Indonesian Government to fully
7 cooperate with the joint United Nations-East Timor
8 Serious Crimes Unit (SCU) and encourages the
9 United States to urge the Indonesian Government to
10 fully cooperate with the SCU.

11 **SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN**
12 **RIGHTS AND JUSTICE IN INDONESIA.**

13 The Congress—

14 (1) notes with grave concern that members of
15 the Indonesian security forces, particularly the Army
16 Special Forces (Kopassus) and the Police Mobile
17 Brigade (Brimob), continue to commit many serious
18 human rights violations, including extrajudicial
19 killings, torture, rape, and arbitrary detention, par-
20 ticularly in areas of conflict such as Aceh, Papua,
21 the Moluccas, and Central Sulawesi;

22 (2) notes with grave concern that the Govern-
23 ment of Indonesia largely fails to hold soldiers and
24 police accountable for extrajudicial killings and other
25 serious human rights abuses, both past and present;

1 (3) condemns the intimidation and harassment
2 of human rights and civil society organizations and
3 activists by members of Indonesian security forces
4 and by military-backed militia groups, particularly in
5 Aceh and Papua;

6 (4) notes with concern the Indonesian military's
7 resistance to civilian control and oversight, its lack
8 of budgetary transparency, and its continuing em-
9 phasis on internal security within Indonesia;

10 (5) urges the Indonesian government and mili-
11 tary to provide full, active, and unfettered coopera-
12 tion with the investigation of the Federal Bureau of
13 Investigation of the United States Department of
14 Justice into the August 31, 2002 attack near
15 Timika, Papua, which killed three people (including
16 two Americans, Rick Spier and Ted Burgon), and
17 injured 12 others, and which appears likely to have
18 been perpetrated at least in part by members of the
19 Indonesian military;

20 (6) commends the December 2002 signing of
21 the Framework Agreement on Cessation of Hos-
22 tilities in Aceh, but condemns the recent outbreaks
23 of violence and militia activity that appear calculated
24 to subvert that cease-fire agreement;

1 (7) notes with grave concern the continued de-
2 tention of Muhammad Nazar, and the fact that
3 those responsible for the murders of other prominent
4 members of civil society in Aceh, such as Jafar
5 Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku
6 Safwan Idris, Nashiruddin Daud, and Zaini
7 Sulaiman, still have not been apprehended, pros-
8 ecuted, or punished;

9 (8) commends the “Zone of Peace” initiative in
10 Papua, which has brought together civic, religious,
11 governmental, and police representatives to discuss
12 productive means of avoiding conflict, but expresses
13 concern at the refusal of the Indonesian military to
14 participate in that effort; and

15 (9) encourages the Government of Indonesia to
16 expedite the reunification of separated East Timor-
17 ese children with their families, and to hold legally
18 accountable those individuals and organizations re-
19 sponsible for taking those children and for obstruct-
20 ing reunification efforts.

21 **SEC. 723. AMENDMENT TO THE INTERNATIONAL RELI-**
22 **GIUS FREEDOM ACT OF 1998.**

23 Section 207(a) of the International Religious Free-
24 dom Act of 1998 (22 U.S.C. 6435(a)) is amended by in-

1 serting “and for each subsequent fiscal year” after
2 “2003”.

3 **SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN**
4 **RIGHTS IN CENTRAL ASIA.**

5 (a) FINDINGS.—The Congress makes the following
6 findings:

7 (1) The Central Asian nations of Kazakhstan,
8 Kyrgyzstan, Tajikistan, Turkmenistan, and
9 Uzbekistan are providing the United States with as-
10 sistance in the war in Afghanistan, from military
11 basing and overflight rights to the facilitation of hu-
12 manitarian relief.

13 (2) In turn, the United States victory over the
14 Taliban in Afghanistan provides important benefits
15 to the Central Asian nations by removing a regime
16 that threatened their security and by significantly
17 weakening the Islamic Movement of Uzbekistan, a
18 terrorist organization that had previously staged
19 armed raids from Afghanistan into the region.

20 (3) The United States has consistently urged
21 the nations of Central Asia to open their political
22 systems and economies and to respect human rights,
23 both before and since the attacks of September 11,
24 2001.

1 (4) Kazakhstan, Kyrgyzstan, Tajikistan,
2 Turkmenistan, and Uzbekistan are members of the
3 United Nations and the Organization for Security
4 and Cooperation in Europe (OSCE), both of which
5 confer a range of obligations with respect to human
6 rights on their members.

7 (5) While the United States recognizes marked
8 differences among the social structures and commit-
9 ments to democratic and economic reform of the
10 Central Asian nations, the United States notes nev-
11 ertheless, according to the State Department Coun-
12 try Reports on Human Rights Practices, that all five
13 governments of such nations, to differing degrees,
14 restrict freedom of speech and association, restrict
15 or ban the activities of human rights organizations
16 and other nongovernmental organizations, harass or
17 prohibit independent media, imprison political oppo-
18 nents, practice arbitrary detention and arrest, and
19 engage in torture and extrajudicial executions.

20 (6) By continuing to suppress human rights
21 and to deny citizens peaceful, democratic means of
22 expressing their convictions, the nations of Central
23 Asia risk fueling popular support for violent and ex-
24 tremist movements, thus undermining the goals of
25 the war on terrorism.

1 (7) President George W. Bush has made the
2 defense of human dignity, the rule of law, limits on
3 the power of the state, respect for women and pri-
4 vate property, free speech, equal justice, religious
5 tolerance strategic goals of United States foreign
6 policy in the Islamic world, arguing that “a truly
7 strong nation will permit legal avenues of dissent for
8 all groups that pursue their aspirations without vio-
9 lence”.

10 (8) Congress has expressed its desire to see
11 deeper reform in Central Asia in past resolutions
12 and other legislation, most recently conditioning as-
13 sistance to Uzbekistan and Kazakhstan on their
14 progress in meeting commitments to the United
15 States on human rights and democracy.

16 (b) SENSE OF CONGRESS.—It is the sense of the
17 Congress that—

18 (1) the governments of Kazakhstan,
19 Kyrgyzstan, Tajikistan, Turkmenistan, and
20 Uzbekistan should accelerate democratic reforms
21 and fulfill their human rights obligations, including,
22 where appropriate, by—

23 (A) releasing from prison anyone jailed for
24 peaceful political activism or the nonviolent ex-
25 pression of their political or religious beliefs;

1 (B) fully investigating any credible allega-
2 tions of torture and prosecuting those respon-
3 sible;

4 (C) permitting the free and unfettered
5 functioning of independent media outlets, inde-
6 pendent political parties, and nongovernmental
7 organizations, including by easing registration
8 processes;

9 (D) permitting the free exercise of reli-
10 gious beliefs and ceasing the persecution of
11 members of religious groups and denominations
12 that do not engage in violence or political
13 change through violence;

14 (E) holding free, competitive, and fair elec-
15 tions; and

16 (F) making publicly available documenta-
17 tion of their revenues and punishing those en-
18 gaged in official corruption;

19 (2) the President, the Secretary of State, and
20 the Secretary of Defense should—

21 (A) continue to raise at the highest levels
22 with the governments of the nations of Central
23 Asia specific cases of political and religious per-
24 secution, and to urge greater respect for human

1 rights and democratic freedoms at every diplo-
2 matic opportunity;

3 (B) take progress in meeting the goals
4 specified in paragraph (1) into account when
5 determining the scope and nature of United
6 States diplomatic and military relations and as-
7 sistance with each of such governments;

8 (C) ensure that the provisions of foreign
9 operations appropriations Acts are fully imple-
10 mented to ensure that no United States assist-
11 ance benefits security forces in Central Asia
12 that are implicated in violations of human
13 rights;

14 (D) press the Government of
15 Turkmenistan to implement the helpful rec-
16 ommendations contained in the 2003 resolution
17 on Turkmenistan of the United Nations Com-
18 mission on Human Rights and the so-called
19 “Moscow Mechanism” Report of the Organiza-
20 tion for Security and Cooperation in Europe
21 (OSCE), respect the right of all prisoners to
22 due process and a fair trial and release demo-
23 cratic activists and their family members from
24 prison;

1 (E) urge the Government of Russia not to
2 extradite to Turkmenistan members of the po-
3 litical opposition of Turkmenistan;

4 (F) work with the Government of
5 Kazakhstan to create a political climate free of
6 intimidation and harassment, including releas-
7 ing political prisoners and permitting the return
8 of political exiles, and to reduce official corrup-
9 tion, including by urging the Government of
10 Kazakhstan to cooperate with the ongoing
11 United States Department of Justice investiga-
12 tion;

13 (G) support through United States assist-
14 ance programs individuals, nongovernmental or-
15 ganizations, and media outlets in Central Asia
16 working to build more open societies, to support
17 the victims of human rights abuses, and to ex-
18 pose official corruption; and

19 (H) press the Government of Uzbekistan
20 to implement fully the recommendations made
21 to the Government of Uzbekistan by the United
22 Nations' Special Rapporteur on Torture; and

23 (3) increased levels of United States assistance
24 to the governments of the nations of Central Asia
25 made possible by their cooperation in the war in Af-

1 ghanistan can be sustained only if there is substan-
 2 tial and continuing progress toward meeting the
 3 goals specified in paragraph (1).

4 **SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF**
 5 **APPROPRIATIONS FOR FISCAL YEAR 2003**
 6 **FOR CENTER FOR CULTURAL AND TECH-**
 7 **NICAL INTERCHANGE BETWEEN EAST AND**
 8 **WEST.**

9 Section 112(3) of the Foreign Relations Authoriza-
 10 tion Act, Fiscal Year 2003 (116 Stat. 1358; Public Law
 11 107–228) is amended by striking “\$15,000,000” and in-
 12 serting “\$18,000,000”.

13 **DIVISION B—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 **Subtitle C—Assistance for Select**
4 **Countries**

5 **SEC. 1321. ASSISTANCE FOR ISRAEL.**

6 Section 513 of the Security Assistance Act of 2000
7 (Public Law 106–280) is amended—

8 (1) in subsection (b)(1), by striking “2002 and
9 2003” and inserting “2003 through 2005”;

10 (2) in subsection (c)(1), by striking “2002 and
11 2003” and inserting “2003 through 2005”;

12 (3) in subsection (c)(3)—

13 (A) by striking “fiscal years 2002 and
14 2003” and inserting “fiscal years 2004 and
15 2005”;

16 (B) by striking “fiscal year 2002” and in-
17 serting “fiscal year 2004”; and

18 (C) by striking “fiscal year 2003, or” and
19 inserting “fiscal year 2005, or”; and

20 (4) in subsection (c)(4)—

21 (A) by striking “2002 and 2003” and in-
22 serting “2003 through 2005”; and

23 (B) by striking “\$535,000,000 for fiscal
24 year 2002” and all that follows through “fiscal
25 year 2003” and inserting “\$550,000,000 for

1 fiscal year 2003, not less than \$565,000,000
2 for fiscal year 2004, and not less than
3 \$580,000,000 for fiscal year 2005”.

4 **SEC. 1322. ASSISTANCE FOR EGYPT.**

5 Section 514 of the Security Assistance Act of 2000
6 (Public Law 106–280) is amended—

7 (1) by striking “2002 and 2003” each place it
8 appears and inserting “2003 through 2005”; and

9 (2) in subsection (e)—

10 (A) by striking “fiscal years 2002 and
11 2003” and inserting “fiscal years 2004 and
12 2005”;

13 (B) by striking “fiscal year 2002” and in-
14 serting “fiscal year 2004”; and

15 (C) by striking “fiscal year 2003, or” and
16 inserting “fiscal year 2005, or”.

17 **Subtitle D—International Narcotics**
18 **Control Assistance**

19 **SEC. 1331. ADDITIONAL AUTHORITIES RELATING TO INTER-**
20 **NATIONAL NARCOTICS CONTROL ASSIST-**
21 **ANCE.**

22 Notwithstanding any other provision of law, assist-
23 ance provided by the United States Government to sup-
24 port international efforts to combat aerial trafficking of
25 illicit narcotics under chapter 8 of part I of the Foreign

1 Assistance Act of 1961 or under any other provision of
2 law shall include the authority to interdict illicit arms in
3 connection with the trafficking of illicit narcotics.

4 **SEC. 1332. UNITED STATES OPIUM ERADICATION PROGRAM**
5 **IN COLOMBIA.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Secretary of State, acting through
8 the Department of State's Narcotics Affairs Section
9 (NAS) in Bogota, Colombia, shall ensure that all pilots
10 participating in the United States opium eradication pro-
11 gram in Colombia are Colombians and are fully trained,
12 qualified, and experienced pilots, with preference provided
13 to individuals who are members of the Colombian National
14 Police.

15 **Subtitle E—Miscellaneous**
16 **Provisions**

17 **SEC. 1341. UNITED STATES WAR RESERVE STOCKPILES FOR**
18 **ALLIES.**

19 Section 514(b)(2) of the Foreign Assistance Act of
20 1961 (22 U.S.C. 2321h(b)(2)) is amended—

21 (1) in subparagraph (A), by striking “for fiscal
22 year 2003” and inserting “for each of fiscal years
23 2003 and 2004”; and

1 (2) in subparagraph (B), by striking “for fiscal
2 year 2003” and inserting “for each of fiscal years
3 2003 and 2004”.

4 **SEC. 1342. TRANSFER TO ISRAEL OF CERTAIN DEFENSE AR-**
5 **TICLES IN THE UNITED STATES WAR RE-**
6 **SERVE STOCKPILES FOR ALLIES.**

7 (a) AUTHORIZATION.—Notwithstanding section 514
8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
9 the President is authorized to transfer to Israel, in return
10 for concessions to be negotiated by the Secretary of De-
11 fense, with the concurrence of the Secretary, defense arti-
12 cles, including armor, artillery, ammunition for automatic
13 weapons, missiles, and other munitions that are—

14 (1) obsolete or surplus items;

15 (2) in the inventory of the Department of De-
16 fense;

17 (3) intended for use as reserve stocks in Israel;
18 and

19 (4) are located in a stockpile in Israel as of the
20 date of enactment of this Act.

21 (b) CONCESSIONS.—The value of concessions nego-
22 tiated pursuant to subsection (a) shall be at least equal
23 to the fair market value of the items transferred. The con-
24 cessions may include cash compensation, services, waiver

1 of charges otherwise payable by the United States, and
2 other items of value.

3 (c) ADVANCE NOTIFICATION OF TRANSFER.—

4 (1) IN GENERAL.—Not less than 30 days before
5 making a transfer under the authority of this sec-
6 tion, the President shall transmit a notification de-
7 scribing the items to be transferred to Israel and the
8 concessions to be received by the United States to
9 the congressional committees specified in paragraph
10 (2).

11 (2) CONGRESSIONAL COMMITTEES SPECI-
12 FIED.—The congressional committees referred to in
13 paragraph (1) are—

14 (A) the Committee on International Rela-
15 tions and the Committee on Armed Services of
16 the House of Representatives; and

17 (B) the Committee on Foreign Relations
18 and the Committee on Armed Services of the
19 Senate.

20 (d) EXPIRATION OF AUTHORITY.—No transfer may
21 be made under the authority of this section following the
22 expiration of the five-year period beginning on the date
23 of enactment of this Act.

1 **SEC. 1343. EXPANSION OF AUTHORITIES FOR LOAN OF MA-**
2 **TERIAL, SUPPLIES, AND EQUIPMENT FOR RE-**
3 **SEARCH AND DEVELOPMENT PURPOSES.**

4 Section 65 (22 U.S.C. 2796d) is amended—

5 (1) in subsection (a)(1), by inserting “or a
6 friendly foreign country” after “ally” each place
7 such term appears; and

8 (2) in subsection (d) to read as follows:

9 “(d) For purposes of this section—

10 “(1) the term ‘NATO ally’ means a member
11 country of the North Atlantic Treaty Organization
12 (other than the United States); and

13 “(2) the term ‘friendly foreign country’ means
14 any non-NATO member country determined by the
15 President to be eligible for a cooperative project
16 agreement with the United States pursuant to sec-
17 tion 27(j) of this Act.”.

18 **SEC. 1344. ASSISTANCE FOR DEMINING AND RELATED AC-**
19 **TIVITIES.**

20 (a) ASSISTANCE.—The Secretary is authorized to
21 provide grants to, or enter into contracts or cooperative
22 agreements with, public-private partnerships for the pur-
23 pose of establishing and carrying out demining, clearance
24 of unexploded ordnance, and related activities in foreign
25 countries.

1 (b) LIMITATION.—Except as otherwise provided, the
2 total amount provided on a grant basis to public-private
3 partnerships under subsection (a) for a fiscal year may
4 not exceed \$450,000.

5 (c) FUNDING.—Amounts made available to carry out
6 “Nonproliferation, Anti-Terrorism, Demining, and Re-
7 lated Programs” for fiscal year 2004 are authorized to
8 be made available to carry out this section.

9 **SEC. 1345. COOPERATIVE DEVELOPMENT PROGRAM.**

10 Of the amounts made available for development as-
11 sistance under the Foreign Assistance Act of 1961, not
12 less than \$2,000,000 for each of the fiscal years 2004 and
13 2005 are authorized to be made available to finance
14 projects among the United States, Israel, and developing
15 countries in Africa under the Cooperative Development
16 Program.

17 **SEC. 1346. WEST BANK AND GAZA PROGRAM.**

18 (a) OVERSIGHT.—For fiscal year 2004, the Secretary
19 of State shall certify to the appropriate committees of
20 Congress not later than 30 days prior to the initial obliga-
21 tion of funds for the West Bank and Gaza that procedures
22 have been established to assure the Comptroller General
23 will have access to appropriate United States financial in-
24 formation in order to review the use of United States as-
25 sistance for the West Bank and Gaza funded under chap-

1 ter 4 of part II of the Foreign Assistance Act of 1961
2 (“Economic Support Fund”).

3 (b) VETTING.—Prior to any obligation of funds au-
4 thorized to be appropriated to carry out chapter 4 of part
5 II of the Foreign Assistance Act of 1961 for assistance
6 for the West Bank and Gaza, the Secretary of State shall
7 take all appropriate steps to ensure that such assistance
8 is not provided to or through any individual or entity that
9 the Secretary knows, or has reason to believe, advocates,
10 plans, sponsors, engages in, or has engaged in, terrorist
11 activity. The Secretary of State shall, as appropriate, es-
12 tablish procedures specifying the steps to be taken in car-
13 rying out this subsection.

14 (c) AUDITS.—

15 (1) IN GENERAL.—The Administrator of the
16 United States Agency for International Development
17 shall ensure that independent audits of all contrac-
18 tors and grantees, and significant subcontractors
19 and subgrantees, under the West Bank and Gaza
20 Program, are conducted at least on an annual basis
21 to ensure, among other things, compliance with this
22 section.

23 (2) AUDITS BY INSPECTOR GENERAL OF
24 USAID.—Of the funds authorized to be appropriated
25 by this Act to carry out chapter 4 of part II of the

1 Foreign Assistance Act of 1961 that are made avail-
2 able for assistance for the West Bank and Gaza, up
3 to \$1,000,000 may be used by the Office of the In-
4 spector General of the United States Agency for
5 International Development for audits, inspections,
6 and other activities in furtherance of the require-
7 ments of paragraph (1). Such funds are in addition
8 to funds otherwise available for such purposes.

9 **SEC. 1347. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON**
10 **INCITEMENT TO ACTS OF DISCRIMINATION.**

11 (a) COUNTRIES RECEIVING ECONOMIC ASSIST-
12 ANCE.—Section 116(d) of the Foreign Assistance Act of
13 1961 (22 U.S.C. 2151n(d)) is amended—

14 (1) in paragraph (9), by striking “and” at the
15 end;

16 (2) in paragraph (10), by striking the period at
17 the end and inserting “; and”; and

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

19 “(11)(A) wherever applicable, in a separate sec-
20 tion with a separate heading, a description of the
21 nature and extent of—

22 “(i) propaganda in government and gov-
23 ernment-controlled media and other sources, in-
24 cluding government-produced educational mate-
25 rials and textbooks, that attempt to justify or

1 promote racial hatred or incite acts of violence
2 against any race or people; and

3 “(ii) complicity or involvement in the cre-
4 ation of such propaganda or incitement of acts
5 of violence against any race; and

6 “(B) a description of the actions, if any, taken
7 by the government of the country to eliminate such
8 propaganda or incitement.”.

9 (b) COUNTRIES RECEIVING SECURITY ASSIST-
10 ANCE.—Section 502B(b) of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2304(b)) is amended by inserting after
12 the eighth sentence the following: “Each report under this
13 section shall also include wherever applicable, in a sepa-
14 rate section with a separate heading, a description of (i)
15 the nature and extent of (I) propaganda in government
16 and government-controlled media and other sources, in-
17 cluding government-produced educational materials and
18 textbooks, that attempt to justify or promote racial hatred
19 or incite acts of violence against any race, and (II) com-
20 plicity or involvement in the creation of such propaganda
21 or incitement of acts of violence against any race or peo-
22 ple, and (ii) a description of the actions, if any, taken by
23 the government of the country to eliminate such propa-
24 ganda or incitement.”.

1 **SEC. 1348. ASSISTANCE TO EAST TIMOR.**

2 Section 632(b)(1) of the Foreign Relations Author-
3 ization Act, Fiscal Year 2003 (Public Law 107–277) is
4 amended by striking “the fiscal year 2003” and inserting
5 “each of the fiscal years 2003, 2004, and 2005”.

6 **SEC. 1349. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS**
7 **FOR CUBA.**

8 (a) STATEMENT OF POLICY.—It is the policy of the
9 United States to support those individuals and groups who
10 struggle for freedom and democracy in Cuba, including
11 human rights dissidents, independent journalists, inde-
12 pendent labor leaders, and other opposition groups.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated to the President to carry out section
16 109(a) of Public Law 104–114 (22 U.S.C. 6039(a))
17 \$15,000,000 for each of the fiscal years 2004 and
18 2005.

19 (2) ADDITIONAL AUTHORITIES.—Amounts ap-
20 propriated pursuant to the authorization of appro-
21 priations under subsection (a)—

22 (A) are authorized to remain available
23 until expended; and

24 (B) are in addition to amounts otherwise
25 available for such purposes.

1 **SEC. 1350. AMENDMENT TO THE AFGHANISTAN FREEDOM**
2 **SUPPORT ACT OF 2002.**

3 The Afghanistan Freedom Support Act of 2002 (22
4 U.S.C. 7501 et seq.) is amended—

5 (1) in section 103(a) by striking “section 512
6 of Public Law 107–115 or any similar” and insert-
7 ing “any other”; and

8 (1) in section 207(b) by striking “section 512
9 of Public Law 107–115 or any similar” and insert-
10 ing “any other”.

11 **SEC. 1351. CONGO BASIN FOREST PARTNERSHIP.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
13 are authorized to be appropriated to the President to carry
14 out the Congo Basin Forest Partnership (CBFP) program
15 \$18,600,000 for each of the fiscal years 2004 and 2005.
16 Of the amounts appropriated pursuant to the authoriza-
17 tion of appropriations under the preceding sentence for
18 a fiscal year, \$16,000,000 is authorized to be made avail-
19 able to the Central Africa Regional Program for the Envi-
20 ronment (CARPE) of the United States Agency for Inter-
21 national Development.

22 (b) **AVAILABILITY.**—Amounts appropriated pursuant
23 to the authorization of appropriations under subsection (a)
24 are authorized to remain available until expended.

1 **SEC. 1352. COMBATTING THE PIRACY OF UNITED STATES**
2 **COPYRIGHTED MATERIALS.**

3 In addition to such amounts as may otherwise be au-
4 thorized to be appropriated for such purpose, there are
5 authorized to be appropriated for the Department of
6 State, \$10,000,000 to carry out the following activities in
7 countries that are not members of the Organization for
8 Economic Cooperation and Development (OECD):

9 (1) Provision of equipment and training for for-
10 eign law enforcement officials.

11 (2) Training for judges and prosecutors.

12 (3) Assistance in complying with obligations
13 under appropriate international copyright and intel-
14 lectual property treaties and agreements.

15 **SEC. 1353. REPORTS RELATING TO TREATY BETWEEN THE**
16 **UNITED STATES AND THE RUSSIAN FEDERA-**
17 **TION ON STRATEGIC OFFENSIVE REDUC-**
18 **TIONS.**

19 The President shall submit to the Committee on
20 International Relations of the House of Representatives
21 all reports submitted to the Committee on Foreign Rela-
22 tions pursuant to section 2 of the Senate Resolution of
23 Ratification to Accompany Treaty Document 107-8,
24 Treaty Between the United States of America and the
25 Russian Federation on Strategic Offensive Reductions.

1 **SEC. 1354. STATEMENT OF HOUSE OF REPRESENTATIVES**
2 **REGARDING THE TREATY BETWEEN THE**
3 **UNITED STATES AND THE RUSSIAN FEDERA-**
4 **TION ON STRATEGIC OFFENSIVE REDUC-**
5 **TIONS.**

6 The House of Representatives—

7 (1) concurs with the declarations of the
8 Senate in section 3 of the Resolution of Ratifi-
9 cation to Accompany Treaty Document 107–8,
10 Treaty Between the United States of America
11 and the Russian Federation on Strategic Offen-
12 sive Reductions;

13 (2) encourages the President to continue
14 strategic offensive reductions to the lowest pos-
15 sible levels consistent with national security re-
16 quirements and alliance obligations of the
17 United States;

18 (3) urges the President to engage the Rus-
19 sian Federation with the objectives of estab-
20 lishing cooperative measures to give each party
21 to the Treaty Between the United States of
22 America and the Russian Federation on Stra-
23 tegic Offensive Reductions improved confidence
24 regarding the accurate accounting and security
25 of nonstrategic nuclear weapons maintained by
26 the other party; and

1 (4) encourages the President to accelerate
2 United States strategic force reductions, to the
3 extent feasible and consistent with the treaty, in
4 order that the reductions required by Article I
5 of the Treaty Between the United States of
6 America and the Russian Federation on Stra-
7 tegic Offensive Reductions may be achieved
8 prior to December 31, 2012.

9 **SEC. 1355. NONPROLIFERATION AND DISARMAMENT FUND.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the President to carry out section
13 504 of the Freedom for Russia and Emerging Eur-
14 asian Democracies and Open Markets Support Act
15 of 1992 (22 U.S.C. 5854; relating to the “Non-
16 proliferation and Disarmament Fund”) \$60,000,000
17 for each of the fiscal years 2004 and 2005.

18 (2) AVAILABILITY.—Amounts appropriated pur-
19 suant to the authorization of appropriations under
20 paragraph (1) are authorized to remain available
21 until expended.

22 (b) NONPROLIFERATION OF HIGHLY ENRICHED
23 URANIUM.—

24 (1) FINDINGS.—Congress finds the following:

1 (A) Highly enriched uranium is the most
2 likely source material for terrorist or other out-
3 law organizations that seek to acquire a nuclear
4 weapon.

5 (B) Such organizations are not likely to
6 produce this source material on their own, but
7 will instead look to divert highly enriched ura-
8 nium from some of the many vulnerable stock-
9 piles in numerous facilities around the world.

10 (C) There is a need for a coordinated
11 United States Government initiative to secure
12 and dispose of highly enriched uranium stock-
13 piles in these vulnerable facilities around the
14 world.

15 (D) The Nonproliferation and Disar-
16 mament Fund (NDF) is a unique and flexible
17 entity that is well-suited to carry out the initia-
18 tive described in subparagraph (C), in coopera-
19 tion with other Federal departments and agen-
20 cies, including the Department of Energy.

21 (2) INITIATIVE.—The Secretary of State is au-
22 thorized to establish and carry out an initiative to
23 secure and dispose of highly enriched uranium stock-
24 piles in foreign countries, including the provision of

1 such assistance as may be required to secure host
2 country cooperation under the initiative.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—Of
4 the amounts made available to carry out section 504
5 of the Freedom for Russia and Emerging Eurasian
6 Democracies and Open Markets Support Act of
7 1992 (22 U.S.C. 5854) for fiscal years 2004 and
8 2005, there are authorized to be appropriated to the
9 Secretary to carry out paragraph (2) \$25,000,000
10 for each such fiscal year.

11 **SEC. 1356. MARITIME INTERDICTION PATROL BOATS FOR**
12 **MOZAMBIQUE.**

13 (a) IN GENERAL.—Of the amounts made available to
14 carry out section 23 of the Arms Export Control Act for
15 fiscal year 2004, there is authorized to be appropriated
16 \$1,000,000 for refurbishment, delivery, operational train-
17 ing, and related costs associated with the provision of not
18 more than four excess coastal patrol boats to the Govern-
19 ment of Mozambique for maritime patrol and interdiction
20 activities.

21 (b) AVAILABILITY.—Amounts appropriated pursuant
22 to the authorization of appropriations under subsection (a)
23 are authorized to remain available until September 30,
24 2006.

1 **TITLE XIV—MISSILE THREAT**
2 **REDUCTION ACT OF 2003**

3 **SEC. 1401. SHORT TITLE.**

4 This title may be cited as the “Missile Threat Reduc-
5 tion Act of 2003”.

6 **Subtitle A—Strengthening Inter-**
7 **national Missile Nonprolifera-**
8 **tion Law**

9 **SEC. 1411. FINDINGS.**

10 Congress makes the following findings:

11 (1) The spread of offensive ballistic missiles
12 suitable for launching nuclear, chemical, and biologi-
13 cal warheads is accelerating across the globe.

14 (2) According to the Carnegie Endowment for
15 International Peace, more than 25 countries possess
16 missiles with ranges in excess of 300 kilometers and
17 capable of delivering a nuclear warhead.

18 (3)(A) Many of the countries now possessing
19 such missiles, and engaging in the sale and transfer
20 of such missiles and their production technology to
21 other countries, are directly hostile to the United
22 States, its interests, and its allies.

23 (B) Of particular concern in this regard is
24 North Korea, which regularly sells ballistic missiles

1 and technology to countries in regions of instability
2 and concern to the United States.

3 (4) The Central Intelligence Agency has stated
4 in its most recent report on the foreign ballistic mis-
5 sile threat the following:

6 “Emerging ballistic missile states continue
7 to increase the range, reliability, and accuracy
8 of the missile systems in their inventories—pos-
9 ing ever greater risks to U.S. forces, interests,
10 and allies throughout the world. A decade ago,
11 U.S. and allied forces abroad faced threats
12 from SRBM’s [Short Range Ballistic Mis-
13 siles]—primarily the Scud and its variants.
14 Today, countries have deployed or are on the
15 verge of deploying MRBM’s [Medium Range
16 Ballistic Missiles], placing greater numbers of
17 targets at risk.

18 “Proliferation of ballistic missile-related
19 technologies, materials, and expertise—espe-
20 cially by Russian, Chinese, and North Korean
21 entities—has enabled emerging missile states to
22 accelerate the development timelines for their
23 existing programs, acquire turnkey systems to
24 gain previously non-existent capabilities—in the
25 case of the Chinese sale of the M-11 SRBM to

1 Pakistan—and lay the groundwork for the ex-
2 pansion of domestic infrastructures to poten-
3 tially accommodate even more capable and
4 longer range future systems.”.

5 (5) The same CIA report also noted the fol-
6 lowing: “North Korea has assumed the role as the
7 missile and manufacturing technology source for
8 many programs. North Korean willingness to sell
9 complete systems and components has enabled other
10 states to acquire longer range capabilities earlier
11 than otherwise would have been possible—notably
12 the sale of the No Dong MRBM to Pakistan. The
13 North also has helped countries to acquire tech-
14 nologies to serve as the basis for domestic develop-
15 ment efforts—as with Iran’s reverse-engineering of
16 the No Dong in the Shahab-3 program. Meanwhile,
17 Iran is expanding its efforts to sell missile tech-
18 nology.”.

19 (6) Since 1987, 33 countries have committed to
20 abide by a voluntary set of guidelines known as the
21 Missile Technology Control Regime (MTCR), where-
22 by adherents agreed to refrain from the transfer to
23 nonadherents of certain categories of whole missiles,
24 their constituent parts, and the facilities to manu-
25 facture them, especially “Category I” missiles, which

1 at a range of 300 kilometers or more and a payload
2 capacity of 500 kilograms or more are especially
3 suited for delivering nuclear weapons.

4 (7) In October 2002, 93 countries committed to
5 observe a nonbinding code of conduct derived from,
6 but less restrictive than, the nonbinding MTCR.
7 While this is a welcome achievement, it does not pro-
8 vide a legal obligation on its adherents to refrain
9 from the trade in missiles or missile technology.

10 (8) On December 10, 2002, the White House
11 released its “National Strategy to Combat Weapons
12 of Mass Destruction”, wherein it is stated that
13 strengthening international nonproliferation controls
14 on weapons of mass destruction (WMD) and upon
15 the missiles that can deliver them is the second of
16 three principal pillars of the National Strategy. The
17 National Strategy also states that “effective inter-
18 diction is a critical part of the U.S. strategy to com-
19 bat WMD and their delivery means”.

20 (9) On December 11, 2002, the United States
21 took control of an unflagged freighter that was at-
22 tempting clandestinely to ship, from North Korea to
23 Yemen, SCUD missiles of a type that would be gen-
24 erally prohibited from transfer as Category I mis-
25 siles.

1 (10) Neither North Korea nor Yemen is an ad-
2 herent to the MTCR guidelines, which in any case
3 are not legally binding, and there is no binding
4 international legal instrument that would prohibit
5 shipments of the missiles referred to in paragraph
6 (9).

7 (11) At Yemen's request, the United States re-
8 leased the shipment of North Korean Scud missiles
9 to Yemen.

10 (12) Also on December 11, 2002, the White
11 House press spokesman stated that existing inter-
12 national law regarding halting the spread of missile
13 proliferation could be strengthened. The new Na-
14 tional Strategy to Combat Weapons of Mass De-
15 struction also commits the United States to support
16 those regimes that are currently in force, and to
17 work to improve the effectiveness of, and compliance
18 with, those regimes, and identifies the MTCR as a
19 regime that the United States will seek to strength-
20 en.

21 (13) Secretary of Defense Donald Rumsfeld,
22 testifying on February 12, 2003, before the Com-
23 mittee on Armed Services of the Senate, stated the
24 following: "...[I]t's pretty clear that the prolifera-
25 tion regimes that exist in the world worked pretty

1 well before, [but] they're not working very well right
2 now.... [U]nless the world wakes up and says this
3 is a dangerous thing and creates a set of regimes
4 that will in fact get cooperation to stop those weap-
5 ons, we're going to be facing a very serious situation
6 in the next five years.”.

7 (14) The MTCR has made an invaluable con-
8 tribution to restraint in the international trade of of-
9 fensive ballistic missiles. Strengthening international
10 controls on ballistic missiles, however, will require a
11 dramatic expansion of adherents that rigorously
12 abide by the MTCR's guidelines, and a binding legal
13 basis for the United Nations and countries devoted
14 to nonproliferation to prevent, and when necessary
15 act to prevent, further proliferation of offensive bal-
16 listic missiles around the world.

17 (15) Therefore, it should be the policy of the
18 United States to promote the creation of new inter-
19 national mechanisms that would, in all future cir-
20 cumstances, allow the peace-loving and law-abiding
21 nations of the world the authority to interdict and
22 prevent the transfer of such missiles.

23 **SEC. 1412. POLICY OF THE UNITED STATES.**

24 It shall be the policy of the United States to seek
25 a binding international instrument or instruments to re-

1 strict the trade in offensive ballistic missiles with ranges
2 of 300 kilometers or more that have a payload capacity
3 of 500 kilograms or more. Such a binding international
4 instrument may take the form of a multilateral treaty, a
5 United Nations Security Council resolution, or other in-
6 strument of international law, and should provide for en-
7 forcement measures including interdiction, seizure, and
8 impoundment of illicit shipments of offensive ballistic mis-
9 siles and related technology, equipment, and components.

10 **SEC. 1413. SENSE OF CONGRESS.**

11 It is the sense of the Congress that the United States
12 should immediately introduce a resolution in the United
13 Nations Security Council to prohibit all members of the
14 United Nations from purchasing, receiving, assisting or al-
15 lowing the transfer of, and to authorize the subsequent
16 interdiction, seizure, and impoundment of, any missile,
17 missile-related equipment, means of producing missiles, or
18 missile-related technology from North Korea.

19 **Subtitle B—Strengthening United**
20 **States Missile Nonproliferation**
21 **Law**

22 **SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PER-**
23 **SONS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, upon the expiration, or the granting of a waiv-

1 er, on or after January 1, 2003, of sanctions against a
2 foreign person imposed under section 73(a) of the Arms
3 Export Control Act (22 U.S.C. 2797b(a)) or under section
4 11B(b)(1) of the Export Administration Act of 1979 (50
5 U.S.C. App. 2410b(b)(1)), as continued in effect under
6 the International Emergency Economic Powers Act, a li-
7 cense shall be required, for a period of not less than 3
8 years, for the export to that foreign person of all items
9 controlled for export under section 5 or 6 of the Export
10 Administration Act of 1979 (50 U.S.C. App. 2404, 2405),
11 as continued in effect under the International Emergency
12 Economic Powers Act, in accordance with the Export Ad-
13 ministration Regulations.

14 (b) TERMINATION.—Subsection (a) shall not apply to
15 a foreign person 30 days after the President notifies the
16 Committee on International Relations of the House of
17 Representatives and the Committee on Banking, Housing,
18 and Urban Affairs and the Committee on Foreign Rela-
19 tions of the Senate that he has determined that—

20 (1) the foreign person has—

21 (A) ceased all activity related to the origi-
22 nal imposition of sanctions under section 73(a)
23 of the Arms Export Control Act or section
24 11B(b)(A) of the Export Administration Act of
25 1979, as the case may be; and

1 (B) has instituted a program of trans-
2 parency measures whereby the United States
3 will be able to verify for at least a period of 3
4 years that the foreign person is not engaging in
5 prohibited activities under those provisions of
6 law referred to in paragraph (1); and

7 (2) there has been an appropriate resolution of
8 the original violation or violations, such as financial
9 penalties, incarceration, destruction of prohibited
10 items, or other appropriate measures taken to pre-
11 vent a recurrence of the violation or violations.

12 **SEC. 1422. STRENGTHENING UNITED STATES MISSILE PRO-**
13 **LIFERATION SANCTIONS ON FOREIGN PER-**
14 **SONS.**

15 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2)
16 (22 U.S.C. 2797b(a)(2)) is amended by striking “2 years”
17 each place it appears and inserting “4 years”.

18 (b) PUBLIC INFORMATION.—Section 73(e)(2) (22
19 U.S.C. 2797b(e)(2)) is amended by adding at the end the
20 following new sentence: “Such report may be classified
21 only to the extent necessary to protect intelligence sources
22 and methods. If the report is so classified, the President
23 shall make every effort to acquire sufficient alternative in-
24 formation that would allow a subsequent unclassified
25 version of the report to be issued.”.

1 (c) EXPORT ADMINISTRATION ACT OF 1979.—Any
2 sanction imposed on a foreign person under section
3 11B(b)(1) of the Export Administration Act of 1979 (50
4 U.S.C. App. 2410b(b)(1)), as continued in effect under
5 the International Emergency Economic Powers Act, shall
6 be in effect for a period of 4 years beginning on the date
7 on which the sanction was imposed.

8 (d) APPLICABILITY.—The amendments made by sub-
9 sections (a) and (b) and the provisions of subsection (c)
10 shall apply to all sanctions imposed under section 73(a)
11 of the Arms Export Control Act or section 11B(b)(1) of
12 the Export Administration Act of 1979, as continued in
13 effect under the International Emergency Economic Pow-
14 ers Act, by reason of acts giving rise to such sanctions
15 that were committed by foreign persons on or after Janu-
16 ary 1, 2003.

17 **SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PRO-**
18 **LIFERATION SANCTIONS ON ALL RESPON-**
19 **SIBLE PERSONS.**

20 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)
21 (22 U.S.C. 2797b(a)) is amended by adding at the end
22 the following new paragraph:

23 “(3)(A) Sanctions imposed upon a foreign person
24 under paragraph (2) shall also be imposed on any govern-
25 mental entity that the President determines exercises ef-

1 fective control over, benefits from, or directly or indirectly
2 facilitates the activities of that foreign person.

3 “(B) When a sanction is imposed on a foreign person
4 under paragraph (2), the President may also impose that
5 sanction on any other person or entity that the President
6 has reason to believe has or may acquire items that may
7 not be exported to that foreign person on account of the
8 sanction imposed on that foreign person, with the intent
9 to transfer to that foreign person, or provide to that for-
10 eign person access to, such items.

11 “(C) The President may also prohibit, for such period
12 of time as he may determine, any transaction or dealing,
13 by a United States person or within the United States,
14 with any foreign person on whom sanctions have been im-
15 posed under this subsection.

16 “(D) The President shall report on an annual basis
17 to the Committee on International Relations of the House
18 of Representatives and the Committee on Foreign Rela-
19 tions of the Senate the identity of any foreign person that
20 engages in any transaction or activity with a foreign per-
21 son on whom sanctions have been imposed under this sub-
22 section that either—

23 “(i) would be the basis for imposing sanctions
24 under subparagraph (B) but for which sanctions
25 have not been imposed; or

1 “(ii) would be the basis for imposing sanctions
2 under subparagraph (C) if the transaction or activity
3 had been carried out by a United States person or
4 by a person in the United States.

5 Such report shall be unclassified to the maximum extent
6 feasible, but may include a classified annex.”.

7 (b) DEFINITION OF PERSON.—Section 74(a)(8)(A)
8 (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

9 “(8)(A) the term ‘person’ means—

10 “(i) a natural person;

11 “(ii) a corporation, business association,
12 partnership, society, trust, transnational cor-
13 poration, or transnational joint venture, any
14 other nongovernmental entity, organization, or
15 group, and any governmental entity;

16 “(iii) any subsidiary, subunit, or parent en-
17 tity of any business enterprise or other organi-
18 zation or entity listed in clause (ii); and

19 “(iv) any successor of any business enter-
20 prise or other organization or entity listed in
21 clause (ii) or (iii); and”.

22 (c) EXPORT ADMINISTRATION ACT OF 1979.—

23 (1) SANCTIONS IMPOSED ON GOVERNMENT EN-
24 TITIES.—Any sanction imposed on a foreign person
25 under section 11B(b)(1)(B) of the Export Adminis-

1 tration Act of 1979 (50 U.S.C. App.
2 2410b(b)(1)(B)), as continued in effect under the
3 International Emergency Economic Powers Act (in
4 this subsection referred to as a “dual use sanction”),
5 shall also be imposed on any governmental entity
6 that the President determines exercises effective con-
7 trol over, benefits from, or directly or indirectly fa-
8 cilitates the activities of that foreign person.

9 (2) OTHER ENTITIES.—When a dual use sanc-
10 tion is imposed on a foreign person, the President
11 may also impose that sanction on any other person
12 or entity that the President has reason to believe
13 has or may acquire items that may not be exported
14 to that foreign person on account of the dual use
15 sanction imposed on that foreign person, with the in-
16 tent to transfer to that foreign person, or provide to
17 that foreign person access to, such items.

18 (3) TRANSACTIONS BY THIRD PARTIES.—The
19 President may also prohibit, for such period of time
20 as he may determine, any transaction or dealing, by
21 a United States person or within the United States,
22 with any foreign person on whom dual use sanctions
23 have been imposed.

24 (4) REPORT.—The President shall submit on
25 an annual basis to the appropriate congressional

1 committees a report that contains the identity of any
2 foreign person that engages in any transaction or
3 activity with a foreign person on whom dual use
4 sanctions have been imposed that either—

5 (A) would be the basis for imposing dual
6 use sanctions under paragraph (2) but for
7 which such sanctions have not been imposed; or

8 (B) would be the basis for imposing dual
9 use sanctions under paragraph (3) if the trans-
10 action or activity had been carried out by a
11 United States person or by a person in the
12 United States.

13 Such report shall be unclassified to the maximum
14 extent feasible, but may include a classified annex.

15 (5) DEFINITIONS.—In this subsection:

16 (A) PERSON.—The term “person”
17 means—

18 (i) a natural person;

19 (ii) a corporation, business associa-
20 tion, partnership, society, trust,
21 transnational corporation, or transnational
22 joint venture, any other nongovernmental
23 entity, organization, or group, and any
24 governmental entity;

1 (iii) any subsidiary, subunit, or parent
2 entity of any business enterprise or other
3 organization or entity listed in clause (ii);
4 and

5 (iv) any successor of any business en-
6 terprise or other organization or entity list-
7 ed in clause (ii) or (iii).

8 (B) In the case of countries where it may
9 be impossible to identify a specific governmental
10 entity referred to in subparagraph (A), the
11 term “person” means—

12 (i) all activities of that government re-
13 lating to the development or production of
14 any missile equipment or technology; and

15 (ii) all activities of that government
16 affecting the development or production of
17 aircraft, electronics, and space systems or
18 equipment.

19 (C) UNITED STATES PERSON.—The term
20 “United States person” has the meaning given
21 that term in section 16(2) of the Export Ad-
22 ministration Act of 1979 (50 U.S.C. App.
23 2415(2)).

24 (D) MISSILE EQUIPMENT OR TECH-
25 NOLOGY.—The term “missile equipment or

1 technology” has the meaning given that term in
2 section 11B(c) of the Export Administration
3 Act of 1979 (50 U.S.C. App. 2410b(c)).

4 (d) EFFECTIVE DATE.—The amendments made by
5 subsections (a) and (b) shall apply with respect to sanc-
6 tions imposed on or after January 1, 2003, on foreign per-
7 sons under section 73(a)(2) of the Arms Export Control
8 Act, and the provisions of subsection (c) shall apply with
9 respect to sanctions imposed on or after January 1, 2003,
10 on foreign persons under section 11B(b) of the Export Ad-
11 ministration Act of 1979 (50 U.S.C. App. 2410b(b)), as
12 continued in effect under the International Emergency
13 Economic Powers Act.

14 **Subtitle C—Incentives for Missile** 15 **Threat Reduction**

16 **SEC. 1431. FOREIGN ASSISTANCE.**

17 (a) TYPES OF ASSISTANCE.—The President is au-
18 thorized to provide, on such terms as the President deems
19 appropriate, the following assistance to countries that
20 agree to destroy their ballistic missiles, and their facilities
21 for producing ballistic missiles, that have a payload capac-
22 ity of 500 kilograms or more over a distance of 300 kilo-
23 meters or more:

24 (1) Assistance under section 23 of the Arms
25 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.

○