

Calendar No. 116

108TH CONGRESS
1ST SESSION**S. 1161**

To authorize appropriations for foreign assistance programs for fiscal year 2004, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 29, 2003

Mr. LUGAR, from the Committee on Foreign Relations, reported under the authority of the order of the Senate of May 23, 2003, the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for foreign assistance programs for fiscal year 2004, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Foreign Assistance Authorization Act, fiscal year 2004”.

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

Sec. 1. Short title; table of contents.

Subtitle A—Development Assistance and Related Programs Authorizations

- Sec. 101. Development assistance.
- Sec. 102. Child Survival and Health Programs Fund.
- Sec. 103. Development credit authority.
- Sec. 104. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.
- Sec. 105. International organizations and programs.
- Sec. 106. Continued availability of certain funds withheld from international organizations.
- Sec. 107. International disaster assistance.
- Sec. 108. Transition initiatives.
- Sec. 109. Famine assistance.
- Sec. 110. Assistance for the independent states of the former Soviet Union.
- Sec. 111. Assistance for Eastern Europe and the Baltic States.
- Sec. 112. Operating expenses of the United States Agency for International Development.

Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations

- Sec. 121. Complex foreign contingencies.
- Sec. 122. International narcotics control and law enforcement.
- Sec. 123. Economic Support Fund.
- Sec. 124. International military education and training.
- Sec. 125. Peacekeeping operations.
- Sec. 126. Nonproliferation, anti-terrorism, demining, and related assistance.
- Sec. 127. Foreign military financing program.

Subtitle C—Independent Agencies Authorizations

- Sec. 131. Inter-American Foundation.
- Sec. 132. African Development Foundation.

Subtitle D—Multilateral Development Bank Authorizations

- Sec. 141. Contribution to the seventh replenishment of the Asian Development Fund.
- Sec. 142. Contribution to the thirteenth replenishment of the International Development Association.
- Sec. 143. Contribution to the ninth replenishment of the African Development Fund.

Subtitle E—Authorization for Iraq Relief and Reconstruction

- Sec. 151. Authorization of assistance for relief and reconstruction efforts.
- Sec. 152. Reporting and consultation.
- Sec. 153. Special assistance authority.
- Sec. 154. Inapplicability of certain restrictions.
- Sec. 155. Termination of authorities.

TITLE II—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

- Sec. 201. Development policy.
- Sec. 202. Assistance for nongovernmental organizations.

- Sec. 203. Authority for use of funds for unanticipated contingencies.
- Sec. 204. Authority to accept lethal excess property.
- Sec. 205. Reconstruction assistance under international disaster assistance authority.
- Sec. 206. Funding authorities for assistance for the independent states of the former Soviet Union.
- Sec. 207. Waiver of net proceeds resulting from disposal of United States defense articles provided to a foreign country on a grant basis.
- Sec. 208. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.
- Sec. 209. Additions to war reserve stockpiles for allies for fiscal year 2004.
- Sec. 210. Restrictions on economic support funds for Lebanon.
- Sec. 211. Administration of justice.
- Sec. 212. Demining programs.
- Sec. 213. Special waiver authority.
- Sec. 214. Prohibition of assistance for countries in default.
- Sec. 215. Military coups.
- Sec. 216. Designation of position for which appointee is nominated.
- Sec. 217. Exceptions to requirement for congressional notification of program changes.
- Sec. 218. Commitments for expenditures of funds.
- Sec. 219. Alternative dispute resolution.
- Sec. 220. Administrative authorities.
- Sec. 221. Assistance for law enforcement forces.
- Sec. 222. Special debt relief for the poorest.
- Sec. 223. Congo Basin Forest Partnership.
- Sec. 224. Landmine clearance programs.
- Sec. 225. Middle East Foundation.

Subtitle B—Arms Export Control Act Amendments and Related Provisions

- Sec. 231. Thresholds for advance notice to Congress of sales or upgrades of defense articles, design and construction services, and major defense equipment.
- Sec. 232. Clarification of requirement for advance notice to Congress of comprehensive export authorizations.
- Sec. 233. Exception to bilateral agreement requirements for transfers of defense items within Australia.
- Sec. 234. Authority to provide cataloging data and services to non-NATO countries.
- Sec. 235. Freedom Support Act permanent waiver authority.
- Sec. 236. Extension of Pakistan waivers.
- Sec. 237. Consolidation of reports on nonproliferation in South Asia.
- Sec. 238. Haitian Coast Guard.
- Sec. 239. Sense of Congress relating to exports of defense items to the United Kingdom.
- Sec. 240. Marketing information for commercial communications satellites.

TITLE III—RADIOLOGICAL TERRORISM THREAT REDUCTION

- Sec. 301. Short title.
- Sec. 302. Findings.
- Sec. 303. Definitions.
- Sec. 304. International storage facilities for radioactive sources.
- Sec. 305. Discovery, inventory, and recovery of radioactive sources.

- Sec. 306. Radioisotope thermal generator power units in the independent states of the former Soviet Union.
- Sec. 307. Foreign first responders.
- Sec. 308. Threat assessment reports.

TITLE IV—GLOBAL PATHOGEN SURVEILLANCE

- Sec. 401. Short title.
- Sec. 402. Findings; purpose.
- Sec. 403. Definitions.
- Sec. 404. Priority for certain countries.
- Sec. 405. Restriction.
- Sec. 406. Fellowship program.
- Sec. 407. In-country training in laboratory techniques and syndrome surveillance.
- Sec. 408. Assistance for the purchase and maintenance of public health laboratory equipment.
- Sec. 409. Assistance for improved communication of public health information.
- Sec. 410. Assignment of public health personnel to United States missions and international organizations.
- Sec. 411. Expansion of certain United States Government laboratories abroad.
- Sec. 412. Assistance for regional health networks and expansion of foreign epidemiology training programs.
- Sec. 413. Authorization of appropriations.

TITLE V—MISCELLANEOUS PROVISIONS

Subtitle A—Elimination and Modification of Certain Reporting Requirements

- Sec. 501. Annual report on territorial integrity.
- Sec. 502. Annual reports on activities in Colombia.
- Sec. 503. Annual report on foreign military training.
- Sec. 504. Report on human rights in Haiti.

Subtitle B—Other Matters

- Sec. 511. Certain claims for expropriation by the Government of Nicaragua.
- Sec. 512. Amendments to the Arms Control and Disarmament Act.
- Sec. 513. Support for Sierra Leone.
- Sec. 514. Support for independent media in Ethiopia.
- Sec. 515. Support for Somalia.
- Sec. 516. Support for Central African States.
- Sec. 517. African contingency operations training and assistance program.
- Sec. 518. Condition on the provision of certain funds to Indonesia.
- Sec. 519. Assistance to combat HIV/AIDS in certain countries of the Caribbean region.
- Sec. 520. Repeal of obsolete assistance authority.
- Sec. 521. Technical corrections.

1 **TITLE I—AUTHORIZATION OF**
2 **APPROPRIATIONS**
3 **Subtitle A—Development Assist-**
4 **ance and Related Programs Au-**
5 **thorizations**

6 **SEC. 101. DEVELOPMENT ASSISTANCE.**

7 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
8 authorized to be appropriated to the President for “Devel-
9 opment Assistance”, \$1,360,000,000 for fiscal year 2004
10 to carry out sections 103, 105, 106, and 496 of the For-
11 eign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c,
12 2151d, and 2293).

13 (b) **AVAILABILITY.**—Amounts appropriated under
14 this section for the purposes specified in subsection (a)—

15 (1) are authorized to remain available until ex-
16 pended; and

17 (2) are in addition to amounts otherwise avail-
18 able for such purposes.

19 (c) **REPEAL OF OBSOLETE AUTHORIZATIONS.**—

20 (1) **AGRICULTURE, RURAL DEVELOPMENT, AND**
21 **NUTRITION.**—Section 103(a) of the Foreign Assist-
22 ance Act of 1961 (22 U.S.C. 2151a(a)) is amend-
23 ed—

24 (A) by striking “(a)(1)” and inserting
25 “(a)”;

1 (B) by striking paragraphs (2) and (3);
2 and

3 (C) by redesignating subparagraphs (A),
4 (B), and (C), as paragraphs (1), (2), and (3),
5 respectively.

6 (2) EDUCATION AND HUMAN RESOURCES DE-
7 VELOPMENT.—Section 105(a) of such Act (22
8 U.S.C. 2151c(a)) is amended by striking the second
9 sentence.

10 (3) ENERGY, PRIVATE VOLUNTARY ORGANIZA-
11 TIONS, AND SELECTED DEVELOPMENT ACTIVI-
12 TIES.—Section 106 of such Act (22 U.S.C. 2151d)
13 is amended by striking subsections (e) and (f).

14 (d) TECHNICAL AMENDMENT OF DEVELOPMENT
15 FUND FOR AFRICA.—Section 497 of the Foreign Assist-
16 ance Act of 1961 (22 U.S.C. 2294) is amended by striking
17 “AUTHORIZATIONS OF APPROPRIATIONS FOR THE DE-
18 VELOPMENT FUND FOR AFRICA.—” and inserting
19 “AVAILABILITY OF FUNDS.—”.

20 **SEC. 102. CHILD SURVIVAL AND HEALTH PROGRAMS FUND.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the President for
23 “Child Survival and Health Programs Fund”,
24 \$1,495,000,000 for fiscal year 2004 to carry out sections
25 104 and 496 of the Foreign Assistance Act of 1961 (22

1 U.S.C. 2151b and 2293). Amounts authorized to be ap-
2 propriated under this section are in addition to amounts
3 available under other provisions of law to combat the
4 human immunodeficiency virus (HIV) or the acquired im-
5 mune deficiency syndrome (AIDS).

6 (b) FAMILY PLANNING PROGRAMS.—Of the amount
7 authorized to be appropriated under subsection (a),
8 \$346,000,000 may be used for assistance under sections
9 104(b) and 496(i)(3) of the Foreign Assistance Act of
10 1961 (22 U.S.C. 2151b(b) and 2293(i)(3)).

11 (c) AVAILABILITY.—Amounts appropriated under
12 this section for the purposes specified in subsection (a)—

13 (1) are authorized to remain available until ex-
14 pended; and

15 (2) are in addition to amounts otherwise avail-
16 able for such purposes.

17 (d) REPEAL OF OBSOLETE AUTHORIZATIONS AND
18 TECHNICAL AMENDMENTS.—Section 104(c) of the For-
19 eign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is
20 amended—

21 (1) in paragraph (2)—

22 (A) by striking subparagraphs (B) and
23 (C); and

24 (B) by striking “(2)(A)” and inserting
25 “(2)”; and

1 (2) in paragraph (3), by striking the last sen-
2 tence.

3 **SEC. 103. DEVELOPMENT CREDIT AUTHORITY.**

4 Chapter 1 of part I of the Foreign Assistance Act
5 of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting
6 after section 108 (22 U.S.C. 2151f) the following:

7 **“SEC. 108A. DEVELOPMENT CREDIT AUTHORITY.**

8 “(a) FINDINGS.—Congress makes the following find-
9 ings:

10 “(1) Developing countries often have large re-
11 serves of privately held capital that are not being
12 adequately mobilized and invested due to weak fi-
13 nancial institutions and other market imperfections
14 in such countries.

15 “(2) Partial loan guarantees, particularly when
16 used as an integral part of a development strategy,
17 are useful to leverage local private capital for devel-
18 opment while reforming and strengthening devel-
19 oping country financial markets.

20 “(3) Requiring risk-sharing guarantees and lim-
21 iting guarantee assistance to private lenders encour-
22 ages such lenders to provide appropriate oversight
23 and management of development projects funded
24 with loans made by such lenders and, thereby, maxi-
25 mize the benefit which such projects will achieve.

1 “(b) POLICY.—It is the policy of the United States
2 to make partial loan guarantees available to private lend-
3 ers to fund development projects in developing countries
4 that encourage such lenders to provide appropriate over-
5 sight and management of such development projects.

6 “(c) AUTHORITY.—To carry out the policy set forth
7 in subsection (b), the President is authorized to provide
8 assistance in the form of loans and partial loan guarantees
9 to private lenders in developing countries to achieve the
10 economic development purposes of the provisions of this
11 part.

12 “(d) PRIORITY FOR ASSISTANCE.—The President, in
13 providing assistance under this section, shall give priority
14 to providing partial loan guarantees made pursuant to the
15 authority in subsection (c) that are used in transactions
16 in which the financial risk of loss to the United States
17 Government under such guarantee does not exceed the fi-
18 nancial risk of loss of the private lender that receives such
19 guarantee.

20 “(e) TERMS AND CONDITIONS.—Assistance provided
21 under this section shall be provided on such terms and
22 conditions as the President determines appropriate.

23 “(f) OBLIGATIONS OF THE UNITED STATES.—A par-
24 tial loan guarantee made under subsection (c) shall con-
25 stitute an obligation, in accordance with the terms of such

1 guarantee, of the United States of America and the full
2 faith and credit of the United States of America is pledged
3 for the full payment and performance of such obligation.

4 “(g) PROCUREMENT PROVISIONS.—Assistance may
5 be provided under this section notwithstanding section
6 604(a).

7 “(h) DEVELOPMENT CREDIT AUTHORITY PROGRAM
8 ACCOUNT.—There is established on the books of the
9 Treasury an account known as the Development Credit
10 Authority Program Account. There shall be deposited into
11 the account all amounts made available for providing as-
12 sistance under this section, other than amounts made
13 available for administrative expenses to carry out this sec-
14 tion. Amounts in the Account shall be available to provide
15 assistance under this section.

16 “(i) AVAILABILITY OF FUNDS.—

17 “(1) IN GENERAL.—Of the amounts authorized
18 to be available for the purposes of part I of the For-
19 eign Assistance Act of 1961 (22 U.S.C. 2151) and
20 the Support for Eastern European Democracy
21 (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not
22 more than \$21,000,000 for fiscal year 2004 may be
23 made available to carry out this section.

24 “(2) TRANSFER OF FUNDS.—Amounts made
25 available under paragraph (1) may be transferred to

1 the Development Credit Authority Program Account
2 established by subsection (h) of such section.

3 “(3) SUBSIDY COST.—Amounts made available
4 under paragraphs (1) and (2) shall be available for
5 subsidy cost as defined in section 502(5) of the Fed-
6 eral Reform Credit Act of 1990 (2 U.S.C. 661a(5))
7 of activities under this section.

8 “(j) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There is authorized to be
10 appropriated for administrative expenses to carry
11 out this section \$8,000,000 for fiscal year 2004.

12 “(2) TRANSFER OF FUNDS.—The amounts ap-
13 propriated for administrative expenses under para-
14 graph (1) may be transferred to and merged with
15 amounts made available under section 667(a).

16 “(k) AVAILABILITY.—Amounts appropriated or made
17 available under this section are authorized to remain avail-
18 able until expended.”.

19 **SEC. 104. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE**
20 **TO FOREIGN GOVERNMENTS AND FOREIGN**
21 **CENTRAL BANKS OF DEVELOPING OR TRAN-**
22 **SITIONAL COUNTRIES.**

23 Section 129(j)(1) of the Foreign Assistance Act of
24 1961 (22 U.S.C. 2151aa(j)(1)) is amended by striking

1 “\$5,000,000 for fiscal year 1999” and inserting
2 “\$14,000,000 for fiscal year 2004”.

3 **SEC. 105. INTERNATIONAL ORGANIZATIONS AND PRO-**
4 **GRAMS.**

5 Section 302 of the Foreign Assistance Act of 1961
6 (22 U.S.C. 2222) is amended to read as follows:

7 **“SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

8 “There is authorized to be appropriated to the Presi-
9 dent \$314,500,000 for fiscal year 2004 for grants to carry
10 out the purposes of this chapter. Amounts appropriated
11 pursuant to the authorization of appropriations in this
12 section are in addition to amounts otherwise available for
13 such purposes.”.

14 **SEC. 106. CONTINUED AVAILABILITY OF CERTAIN FUNDS**
15 **WITHHELD FROM INTERNATIONAL ORGANI-**
16 **ZATIONS.**

17 Section 307 of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2227) is amended by adding at the end the
19 following new subsection:

20 “(e) Funds available in any fiscal year to carry out
21 the provisions of this chapter that are returned or not
22 made available for organizations and programs because of
23 the application of this section shall remain available for
24 obligation until September 30 of the fiscal year after the
25 fiscal year for which such funds are appropriated.”.

1 **SEC. 107. INTERNATIONAL DISASTER ASSISTANCE.**

2 Section 492(a) of the Foreign Assistance Act of 1961
 3 (22 U.S.C. 2292a(a)) is amended by striking
 4 “\$25,000,000 for fiscal year 1986 and \$25,000,000 for
 5 fiscal year 1987” and inserting “\$235,500,000 for fiscal
 6 year 2004”.

7 **SEC. 108. TRANSITION INITIATIVES.**

8 (a) **AUTHORITY.**—Section 494 of the Foreign Assist-
 9 ance Act of 1961 (22 U.S.C. 2292c) is amended to read
 10 as follows:

11 **“SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.**

12 “(a) **TRANSITION AND DEVELOPMENT ASSIST-**
 13 **ANCE.**—The President is authorized to furnish assistance
 14 to support the transition to democracy and to long-term
 15 development in accordance with the general authority con-
 16 tained in section 491, including assistance to—

17 “(1) develop, strengthen, or preserve democratic
 18 institutions and processes;

19 “(2) revitalize basic infrastructure; and

20 “(3) foster the peaceful resolution of conflict.

21 “(b) **AUTHORIZATION OF APPROPRIATIONS.**—There
 22 is authorized to be appropriated to the President
 23 \$55,000,000 for fiscal year 2004 to carry out this section.

24 “(c) **AVAILABILITY.**—Amounts appropriated under
 25 this section for the purpose specified in subsection (b)—

1 “(1) are authorized to remain available until ex-
2 pended; and

3 “(2) are in addition to amounts otherwise avail-
4 able for such purpose.”.

5 **SEC. 109. FAMINE ASSISTANCE.**

6 (a) **AUTHORITY.**—Chapter 9 of part I of the Foreign
7 Assistance Act of 1961 (22 U.S.C. 2292 et seq.), as
8 amended by section 520, is amended by adding at the end
9 the following new section:

10 **“SEC. 495. FAMINE ASSISTANCE.**

11 “(a) **AUTHORIZATION.**—The President is authorized
12 to provide assistance for famine prevention and relief, in-
13 cluding for famine prevention and for mitigation of the
14 effects of famine.

15 “(b) **AUTHORITIES.**—Assistance authorized by sub-
16 section (a) shall be provided in accordance with the gen-
17 eral authority contained in section 491.

18 “(c) **NOTIFICATION.**—The President shall transmit
19 advance notification of any assistance to be provided
20 under subsection (a) to the Committees on Foreign Rela-
21 tions and Appropriations of the Senate and the Commit-
22 tees on International Relations and Appropriations of the
23 House of Representative in accordance with section 634A
24 (22 U.S.C. 2394–1).

1 “(d) FAMINE FUND.—There is established on the
2 books of the Treasury an account to be known as the
3 Famine Fund. There shall be deposited into the account
4 all amounts made available for providing assistance under
5 subsection (a). Amounts in the Fund shall be available to
6 provide assistance under such subsection.

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the President such
9 sums as may be necessary for fiscal year 2004 to carry
10 out this section.

11 “(f) AVAILABILITY.—Amounts appropriated under
12 this section—

13 “(1) are authorized to remain available until ex-
14 pended; and

15 “(2) are in addition to amounts otherwise avail-
16 able for such purpose.”.

17 **SEC. 110. ASSISTANCE FOR THE INDEPENDENT STATES OF**
18 **THE FORMER SOVIET UNION.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the President for “Assist-
21 ance for the Independent States of the Former Soviet
22 Union”, \$646,000,000 for fiscal year 2004 to carry out
23 chapters 11 and 12 of part I of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.).

1 (b) AVAILABILITY.—Amounts appropriated under
2 this section for the purposes specified in subsection (a)—

3 (1) are authorized to remain available until ex-
4 pended; and

5 (2) are in addition to amounts otherwise avail-
6 able for such purposes.

7 **SEC. 111. ASSISTANCE FOR EASTERN EUROPE AND THE**
8 **BALTIC STATES.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the President for “Assist-
11 ance for Eastern Europe and the Baltic States”
12 \$475,000,000 for fiscal year 2004 to carry out the Sup-
13 port for East European Democracy (SEED) Act of 1989
14 (22 U.S.C. 5401 et seq.), and the Foreign Assistance Act
15 of 1961 (22 U.S.C. 2151 et seq.).

16 (b) AVAILABILITY.—Amounts appropriated under
17 this section for the purposes specified in subsection (a)—

18 (1) are authorized to remain available until ex-
19 pended;

20 (2) are in addition to amounts otherwise avail-
21 able for such purposes;

22 (3) may be made available notwithstanding any
23 other provision of law; and

24 (4) shall be considered to be economic assist-
25 ance under the Foreign Assistance Act of 1961 (22

1 U.S.C. 2151 et seq.) for purposes of making applica-
2 ble the administrative authorities contained in that
3 Act for the use of economic assistance.

4 **SEC. 112. OPERATING EXPENSES OF THE UNITED STATES**
5 **AGENCY FOR INTERNATIONAL DEVELOP-**
6 **MENT.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
8 667 of the Foreign Assistance Act of 1961 (22 U.S.C.
9 2427) is amended—

10 (1) in subsection (a)—

11 (A) by striking paragraph (1) and insert-
12 ing the following:

13 “(1) \$750,400,000 for the fiscal year 2004 for
14 necessary operating expenses of the United States
15 Agency for International Development, of which
16 \$146,300,000 is authorized to be appropriated for
17 overseas construction and related costs and for en-
18 hancement of information technology and related in-
19 vestments; and”;

20 (B) in paragraph (2) of such subsection,
21 by striking “agency” and inserting “Agency”;

22 (2) by redesignating subsection (b) as sub-
23 section (c); and

24 (3) by inserting after subsection (a) the fol-
25 lowing new subsection (b):

1 “(b) There are authorized to be appropriated to the
2 President, in addition to funds available under subsection
3 (a) or any other provision of law for such purposes—

4 “(1) \$35,000,000 for fiscal year 2004 for nec-
5 essary operating expenses of the Office of Inspector
6 General of the United States Agency for Inter-
7 national Development; and

8 “(2) such amounts as may be necessary for in-
9 creases in pay, retirement, and other employee bene-
10 fits authorized by law for the employees of such Of-
11 fice, and for other nondiscretionary costs of such Of-
12 fice.”.

13 (b) CONFORMING AMENDMENT.—The heading of sec-
14 tion 667 of the Foreign Assistance Act of 1961 (22 U.S.C.
15 2427) is amended by striking “EXPENSES.—” and insert-
16 ing “EXPENSES OF THE UNITED STATES AGENCY FOR
17 INTERNATIONAL DEVELOPMENT.—”.

18 **Subtitle B—Counternarcotics, Se-**
19 **curity Assistance, and Related**
20 **Programs Authorizations**

21 **SEC. 121. COMPLEX FOREIGN CONTINGENCIES.**

22 Chapter 5 of part I of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2261) is amended by adding at the
24 end the following new section:

1 **“SEC. 452. COMPLEX FOREIGN CRISES CONTINGENCY**
2 **FUND.**

3 “(a) ESTABLISHMENT OF FUND.—There is hereby
4 established on the books of the Treasury a fund to be
5 known as the Complex Foreign Crises Contingency Fund
6 (in this section referred to as the ‘Fund’) for the purpose
7 described in subsection (b).

8 “(b) PURPOSE.—The purpose of the Fund is to pro-
9 vide the President with increased flexibility to respond to
10 complex foreign crises, including the ability—

11 “(1) to provide support for peace and humani-
12 tarian intervention operations; and

13 “(2) to prevent or respond to foreign territorial
14 disputes, armed ethnic or civil conflicts that pose
15 threats to regional or international peace, and acts
16 of ethnic cleansing, mass killings, and genocide.

17 “(c) ELEMENTS.—The Fund shall consist of amounts
18 authorized to be appropriated to the Fund under sub-
19 section (g).

20 “(d) AUTHORITY TO FURNISH ASSISTANCE.—(1)
21 Notwithstanding any other provision of law, whenever the
22 President determines it to be important to the national
23 interests of the United States, the President is authorized
24 to furnish assistance using amounts in the Fund for the
25 purpose of responding to a complex foreign crisis.

1 “(2) The authority to furnish assistance under para-
2 graph (1) for the purpose specified in that paragraph is
3 in addition to any other authority under law to furnish
4 assistance for that purpose.

5 “(e) LIMITATION ON USE OF FUNDS.—No amounts
6 in the Fund shall be available to respond to natural disas-
7 ters.

8 “(f) NOTICE OF EXERCISE OF AUTHORITY.—The
9 President shall notify the Committee on Foreign Relations
10 and the Committee on Appropriations of the Senate and
11 the Committee on International Relations and the Com-
12 mittee on Appropriations of the House of Representatives
13 at least 5 days before each exercise of the authority in
14 this section in accordance with procedures applicable to
15 reprogramming notifications pursuant to section 634A.

16 “(g) AUTHORIZATION OF APPROPRIATIONS.—(1)
17 There is authorized to be appropriated to the President
18 for fiscal year 2004 such sums as may be necessary to
19 carry out this section.

20 “(2) Amounts appropriated pursuant to the author-
21 ization of appropriations in paragraph (1) shall be depos-
22 ited in the Fund.

23 “(3) Amounts appropriated pursuant to the author-
24 ization of appropriations in paragraph (1) shall remain
25 available until expended.”.

1 **SEC. 122. INTERNATIONAL NARCOTICS CONTROL AND LAW**
2 **ENFORCEMENT.**

3 (a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-
4 CAL YEAR 2004.—Paragraph (1) of section 482(a) of the
5 Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)) is
6 amended by striking “\$147,783,000” and all that follows
7 and inserting “\$985,000,000 for fiscal year 2004, of
8 which \$700,000,000 is authorized to be appropriated for
9 the Andean Counterdrug Initiative.”.

10 (b) AVAILABILITY OF FUNDS FOR COLOMBIA.—That
11 section is further amended by adding at the end the fol-
12 lowing new paragraphs:

13 “(3) Notwithstanding any other provision of law,
14 amounts authorized to be appropriated to carry out the
15 purposes of section 481 for fiscal year 2004, and amounts
16 appropriated for fiscal years before fiscal year 2004 for
17 purposes of such section that remain available for obliga-
18 tion, may be used to furnish assistance to the Government
19 of Colombia—

20 “(A) to support a unified campaign against
21 narcotics trafficking and terrorist activities; and

22 “(B) to take actions to protect human health
23 and welfare in emergency circumstances, including
24 undertaking rescue operations.

25 “(4) Assistance furnished to the Government of Co-
26 lombia under this section—

1 “(A) shall be subject to the limitations on
2 the assignment of United States personnel in
3 Colombia under subsections (b) through (d) of
4 section 3204 of the Emergency Supplemental
5 Act, 2000 (division B of Public Law 106–246;
6 114 Stat. 576);

7 “(B) shall be subject to the condition that
8 no United States Armed Forces personnel and
9 no employees of United States contractors par-
10 ticipate in any combat operation in connection
11 with such assistance; and

12 “(C) shall be subject to the condition that
13 the Government of Colombia is fulfilling its
14 commitment to the United States with respect
15 to its human rights practices, including the spe-
16 cific conditions set forth in subparagraphs (A)
17 through (E) of section 564(a)(2) of the Foreign
18 Operations, Export Financing, and Related
19 Programs Appropriations Act, 2003 (division E
20 of Public Law 108–7; 117 Stat. 205).”.

21 **SEC. 123. ECONOMIC SUPPORT FUND.**

22 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
23 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C.
24 2346a(a)) is amended to read as follows:

1 “(a) There is authorized to be appropriated to the
2 President to carry out the purposes of this chapter
3 \$2,535,000,000 for fiscal year 2004.”.

4 (b) AUTHORIZATION OF ASSISTANCE FOR ISRAEL.—
5 Section 513(b)(1) of the Security Assistance Act of 2000
6 (Public Law 106–280; 114 Stat. 856), as amended by sec-
7 tion 1221(a) of the Foreign Relations Authorization Act,
8 Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430),
9 is further amended by striking “fiscal years 2002 and
10 2003” and inserting “fiscal years 2003 and 2004”.

11 (c) AUTHORIZATION OF ASSISTANCE FOR EGYPT.—
12 Section 514(b)(1) of the Security Assistance Act of 2000
13 (Public Law 106–280), as amended by section 1221(b) of
14 the Foreign Relations Authorization Act, Fiscal Year
15 2003 (Public Law 107–228; 116 Stat. 1430), is further
16 amended by striking “fiscal years 2002 and 2003” and
17 inserting “fiscal years 2003 and 2004”.

18 **SEC. 124. INTERNATIONAL MILITARY EDUCATION AND**
19 **TRAINING.**

20 Section 542 of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2347a) is amended by striking “There are au-
22 thorized” and all that follows through “fiscal year 1987”
23 and inserting “There is authorized to be appropriated to
24 the President to carry out the purposes of this chapter
25 \$91,700,000 for the fiscal year 2004”.

1 **SEC. 125. PEACEKEEPING OPERATIONS.**

2 Section 552(a) of the Foreign Assistance Act of 1961
3 (22 U.S.C. 2348a(a)) is amended by striking “There are
4 authorized” and all that follows through “fiscal year
5 1987” and inserting “There is authorized to be appro-
6 priated to the President to carry out the purposes of this
7 chapter, in addition to amounts otherwise available for
8 such purposes, \$101,900,000 for the fiscal year 2004”.

9 **SEC. 126. NONPROLIFERATION, ANTI-TERRORISM,**
10 **DEMINING, AND RELATED ASSISTANCE.**

11 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
12 authorized to be appropriated to the President for fiscal
13 year 2004, \$485,200,000 for Nonproliferation, Anti-Ter-
14 rorism, Demining, and Related Programs for the purpose
15 of carrying out nonproliferation, anti-terrorism, demining,
16 and related programs and activities under—

17 (1) chapter 8 of part II of the Foreign Assist-
18 ance Act of 1961 (22 U.S.C. 2349aa et seq.);

19 (2) chapter 9 of part II of the Foreign Assist-
20 ance Act of 1961 (22 U.S.C. 2349bb et seq.);

21 (3) section 551 of the Foreign Assistance Act
22 of 1961 (22 U.S.C. 2348), as amended by section
23 212 of this Act, to the extent such assistance is used
24 for activities identified in the last sentence of that
25 section, including not to exceed \$675,000 for admin-
26 istrative expenses related to such activities, which

1 amount shall be in addition to funds otherwise made
2 available for such purposes;

3 (4) section 504 of the FREEDOM Support Act
4 (22 U.S.C. 5854) and programs under the Non-
5 proliferation and Disarmament Fund to promote bi-
6 lateral and multilateral activities relating to non-
7 proliferation and disarmament, notwithstanding any
8 other provision of law, including, when in the na-
9 tional security interests of the United States, with
10 respect to international organizations and countries
11 other than the independent states of the former So-
12 viet Union;

13 (5) section 23 of the Arms Export Control Act
14 (22 U.S.C. 2763), for demining activities, the clear-
15 ance of unexploded ordnance, the destruction of
16 small arms, and related activities, notwithstanding
17 any other provision of law;

18 (6) section 301 of the Foreign Assistance Act
19 of 1961 (22 U.S.C. 2221);

20 (7) the Radiological Terrorism Threat Reduc-
21 tion Act of 2003 under title III of this Act; and

22 (8) the Global Pathogen Surveillance Act of
23 2003 under title IV of this Act.

24 (b) AVAILABILITY.—Amounts appropriated under
25 this section for the purpose specified in subsection (a)—

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

3 (2) are in addition to amounts otherwise avail-
4 able for that purpose.

5 **SEC. 127. FOREIGN MILITARY FINANCING PROGRAM.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the President for grant
8 assistance under section 23 of the Arms Export Control
9 Act (22 U.S.C. 2763), \$4,414,000,000 for fiscal year
10 2004.

11 (b) ASSISTANCE FOR ISRAEL.—Section 513 of the
12 Security Assistance Act of 2000 (Public Law 106–280;
13 114 Stat. 856), as amended by section 1221(a) of the For-
14 eign Relations Authorization Act, Fiscal Year 2003 (Pub-
15 lic Law 107–228; 116 Stat. 1430), is further amended—

16 (1) in subsection (c)(1), by striking “fiscal
17 years 2002 and 2003” and inserting “fiscal years
18 2003 and 2004”;

19 (2) in subsection (c)(3), by striking “Funds au-
20 thorized” and all that follows through “later.” and
21 inserting “Funds authorized to be available for
22 Israel under subsection (b)(1) and paragraph (1) for
23 fiscal year 2004 shall be disbursed not later than 30
24 days after the date of enactment of an Act making
25 appropriations for foreign operations, export financ-

1 ing, and related programs for fiscal year 2004, or
2 October 31, 2004, whichever is later.”; and

3 (3) in subsection (c)(4)—

4 (A) by striking “fiscal years 2002 and
5 2003” and inserting “fiscal years 2003 and
6 2004”; and

7 (B) by striking “\$535,000,000 for fiscal
8 year 2002 and not less than \$550,000,000 for
9 fiscal year 2003” and inserting “\$550,000,000
10 for fiscal year 2003 and not less than
11 \$565,000,000 for fiscal year 2004”.

12 (c) ASSISTANCE FOR EGYPT.—Section 514 of the Se-
13 curity Assistance Act of 2000 (Public Law 106–280; 114
14 Stat. 857), as amended by section 1221(b) of the Foreign
15 Relations Authorization Act, Fiscal Year 2003 (116 Stat.
16 1430), is further amended—

17 (1) in subsection (c) by striking “fiscal years
18 2002 and 2003” and inserting “fiscal years 2003
19 and 2004”; and

20 (2) in subsection (e), by striking “Funds esti-
21 mated” and all that follows through “of the respec-
22 tive fiscal year, whichever is later” and inserting the
23 following: “Funds estimated to be outlayed for
24 Egypt under subsection (c) during fiscal year 2004
25 shall be disbursed to an interest-bearing account for

1 Egypt in the Federal Reserve Bank of New York not
2 later than 30 days after the date of enactment of an
3 Act making appropriations for foreign operations,
4 export financing, and related programs for fiscal
5 year 2004, or by October 31, 2003, whichever is
6 later”.

7 **Subtitle C—Independent Agencies** 8 **Authorizations**

9 **SEC. 131. INTER-AMERICAN FOUNDATION.**

10 Section 401(s)(2) of the Foreign Assistance Act of
11 1969 (22 U.S.C. 290f(s)(2)) is amended by striking
12 “There are authorized to be appropriated \$28,000,000 for
13 fiscal year 1992 and \$31,000,000 for fiscal year 1993”
14 and inserting “There is authorized to be appropriated
15 \$15,185,000 for fiscal year 2004”.

16 **SEC. 132. AFRICAN DEVELOPMENT FOUNDATION.**

17 The first sentence of section 510 of the International
18 Security and Development Cooperation Act of 1980 (22
19 U.S.C. 290h–8) is amended by striking “\$3,872,000 for
20 fiscal year 1986 and \$3,872,000 for fiscal year 1987” and
21 inserting “\$17,689,000 for fiscal year 2004”.

1 **Subtitle D—Multilateral**
2 **Development Bank Authorizations**

3 **SEC. 141. CONTRIBUTION TO THE SEVENTH REPLENISH-**
4 **MENT OF THE ASIAN DEVELOPMENT FUND.**

5 The Asian Development Bank Act (22 U.S.C. 285 et
6 seq.) is amended by adding at the end the following new
7 section:

8 **“SEC. 31. SEVENTH REPLENISHMENT.**

9 “(a) **AUTHORIZATION TO CONTRIBUTE.**—The United
10 States Governor of the Bank is authorized to contribute,
11 on behalf of the United States, \$412,000,000 to the sev-
12 enth replenishment of the Asian Development Fund, a
13 special fund of the Bank, except that any commitment to
14 make the contribution authorized by this subsection shall
15 be made subject to obtaining the necessary appropriations.

16 “(b) **AUTHORIZATION OF APPROPRIATIONS.**—In
17 order to pay for the United States contribution authorized
18 by subsection (a), there is authorized to be appropriated
19 without fiscal year limitation, \$412,000,000 for payment
20 by the Secretary of the Treasury.”.

1 **SEC. 142. CONTRIBUTION TO THE THIRTEENTH REPLEN-**
 2 **ISHMENT OF THE INTERNATIONAL DEVELOP-**
 3 **MENT ASSOCIATION.**

4 The International Development Association Act (22
 5 U.S.C. 284 et seq.) is amended by adding at the end the
 6 following new section:

7 **“SEC. 22. THIRTEENTH REPLENISHMENT.**

8 “(a) **AUTHORIZATION TO CONTRIBUTE.**—The United
 9 States Governor is authorized to contribute, on behalf of
 10 the United States, \$2,850,000,000 to the thirteenth re-
 11 plenishment of the Association, except that any commit-
 12 ment to make the contribution authorized by this sub-
 13 section shall be made subject to obtaining the necessary
 14 appropriations.

15 “(b) **AUTHORIZATION OF APPROPRIATIONS.**—In
 16 order to pay for the United States contribution authorized
 17 by subsection (a), there is authorized to be appropriated
 18 without fiscal year limitation, \$2,850,000,000 for payment
 19 by the Secretary of the Treasury.

20 “(c) **TRANSPARENCY.**—

21 “(1) **POLICY.**—It is the policy of the United
 22 States that each multilateral development institution
 23 that has a United States Executive Director
 24 should—

25 “(A) not later than 60 days after the date
 26 on which the minutes of a meeting of the Board

1 of Directors are approved, post the minutes on
2 the website of the multilateral development in-
3 stitution, with any material deemed too sen-
4 sitive for public dissemination redacted;

5 “(B) for a period of at least 10 years be-
6 ginning on the date of a meeting of a Board of
7 Directors, keep and preserve a written tran-
8 script or electronic recording of such meeting;

9 “(C) not later than the later of 15 days
10 prior to the date on which a Board of Directors
11 will consider for endorsement or approval any
12 public sector loan document, country assistance
13 strategy, sector strategy, or sector policy pre-
14 pared by a multilateral development institution
15 or the date such documents are distributed to
16 the Board, make such documents available to
17 the public, with any material deemed too sen-
18 sitive for public dissemination redacted;

19 “(D) make available on the website of the
20 multilateral development institution an annual
21 report that contains statistical summaries and
22 case studies of the fraud and corruption cases
23 pursued by the investigations unit of the multi-
24 lateral development institution; and

1 “(E) require that any health, education, or
2 poverty-focused loan, credit, grant, document,
3 policy or strategy prepared by the multilateral
4 development institution include specific outcome
5 and output indicators to measure results, and
6 that the results be published periodically during
7 the performance of the project or program and
8 at its completion.

9 “(2) IMPLEMENTATION.—The Secretary of the
10 Treasury should instruct each United States Execu-
11 tive Director at a multilateral development institu-
12 tion—

13 “(A) to inform the multilateral develop-
14 ment institution of the policy set out in sub-
15 paragraphs (A) through (E) of paragraph (1);
16 and

17 “(B) to work to implement the policy at
18 the multilateral development institution not
19 later than the scheduled conclusion of the thir-
20 teenth replenishment of the International De-
21 velopment Association on June 30, 2005.

22 “(3) BRIEFING.—The Secretary of the Treas-
23 ury should brief, or send a representative of the De-
24 partment of the Treasury to brief, the appropriate
25 congressional committees, at the request of such

1 committees, on the actions taken by each United
2 States Executive Director at a multilateral develop-
3 ment institution or by personnel of such institutions
4 to implement the policy set out in subparagraphs
5 (A) through (E) of paragraph (1).

6 “(4) PUBLIC DISSEMINATION BY THE SEC-
7 RETARY OF THE TREASURY.—The Secretary of the
8 Treasury should make available on the website of
9 the Department of the Treasury—

10 “(A) not later than 60 days after the date
11 of a meeting of a Board of Directors, any writ-
12 ten statement presented by a United States Ex-
13 ecutive Director at such meeting related to a
14 project for which—

15 “(i) a claim has been made to the
16 multilateral development institution’s in-
17 spection mechanism; or

18 “(ii) Board of Directors decisions on
19 inspection mechanism cases are being
20 taken; and

21 “(B) a record of all votes or abstentions
22 made by a United States Executive Director on
23 matters before a Board of Directors, on a
24 monthly basis.

25 “(d) DEFINITIONS.—In this section:

1 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term ‘appropriate congressional com-
3 mittees’ means the Committee on Foreign Relations
4 of the Senate and the Committee on Financial Serv-
5 ices of the House of Representatives.

6 “(2) BOARD OF DIRECTORS.—The term ‘Board
7 of Directors’ means the Board of Directors of a mul-
8 tilateral development institution.

9 “(3) MULTILATERAL DEVELOPMENT INSTITU-
10 TION.—The term ‘multilateral development institu-
11 tion’ has the meaning given such term in section
12 1701(c)(3) of the International Financial Institu-
13 tions Act (22 U.S.C. 262r(c)(3)).”.

14 **SEC. 143. CONTRIBUTION TO THE NINTH REPLENISHMENT**
15 **OF THE AFRICAN DEVELOPMENT FUND.**

16 The African Development Fund Act (22 U.S.C. 290g
17 et seq.) is amended by adding at the end the following
18 new section:

19 **“SEC. 217. NINTH REPLENISHMENT.**

20 “(a) AUTHORIZATION TO CONTRIBUTE.—The United
21 States Governor of the Fund is authorized to contribute,
22 on behalf of the United States, \$354,000,000 to the ninth
23 replenishment of the Fund, except that any commitment
24 to make the contribution authorized by this subsection

1 shall be made subject to obtaining the necessary appro-
2 priations.

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—In
4 order to pay for the United States contribution authorized
5 by subsection (a), there is authorized to be appropriated,
6 without fiscal year limitation, \$354,000,000 for payment
7 by the Secretary of the Treasury.”.

8 **Subtitle E—Authorization for Iraq**
9 **Relief and Reconstruction**

10 **SEC. 151. AUTHORIZATION OF ASSISTANCE FOR RELIEF**
11 **AND RECONSTRUCTION EFFORTS.**

12 (a) AUTHORIZATION.—The President is authorized to
13 make available from the Iraq Relief and Reconstruction
14 Fund established under the Emergency Wartime Supple-
15 mental Appropriations Act, 2003 (Public Law 108–11),
16 \$2,475,000,000 for fiscal year 2003 for the purposes of
17 providing humanitarian assistance in and around Iraq and
18 carrying out the purposes of the Foreign Assistance Act
19 of 1961 (22 U.S.C. 2151 et seq.) with respect to the reha-
20 bilitation and reconstruction in Iraq.

21 (b) AUTHORIZED USES OF ASSISTANCE.—Assistance
22 made available under subsection (a) may include funds for
23 costs related to—

24 (1) infrastructure related to water and sanita-
25 tion services;

1 (2) food and food distribution;

2 (3) the support of relief efforts related to refu-
3 gees, internally displaced persons, and vulnerable in-
4 dividuals, including assistance for families of inno-
5 cent Iraqi civilians who suffer losses as a result of
6 military operations;

7 (4) electricity;

8 (5) health care;

9 (6) telecommunications;

10 (7) the development and implementation of eco-
11 nomic and financial policy;

12 (8) education;

13 (9) transportation;

14 (10) reforms to strengthen the rule of law and
15 introduce and reinforce the principles and institu-
16 tions of good governance;

17 (11) humanitarian demining; and

18 (12) agriculture.

19 (c) REIMBURSEMENT.—Funds made available under
20 subsection (a) may be used to reimburse accounts admin-
21 istered by the Secretary of State, the Secretary of the
22 Treasury, or the Administrator of the United States Agen-
23 cy for International Development for any amounts ex-
24 pended from each such account to provide humanitarian
25 assistance in and around Iraq or for carrying out the pur-

1 poses of the Foreign Assistance Act of 1961 (22 U.S.C.
2 2151 et seq.) with respect to the rehabilitation and recon-
3 struction in Iraq prior to the date of the enactment of
4 this Act if such amounts have not been reimbursed with
5 funds from any other source.

6 (d) POLICY.—It is the policy of the United States to
7 work toward the full and active participation of women
8 in the reconstruction of Iraq by promoting the involvement
9 of women in—

10 (1) all levels of the government in Iraq and its
11 decision-making institutions;

12 (2) the planning and distribution of assistance,
13 including food aid; and

14 (3) job promotion and training programs.

15 **SEC. 152. REPORTING AND CONSULTATION.**

16 Any report required to be submitted to, and any con-
17 sultation required to be engaged in with, the Committee
18 on Appropriations of the Senate and the Committee on
19 Appropriations of the House of Representatives under the
20 Emergency Wartime Supplemental Appropriations Act,
21 2003 (Public Law 108–11) with respect to funds appro-
22 priated to carry out section 151 shall also be submitted
23 to and engaged in with, respectively, the Committee on
24 Foreign Relations of the Senate and the Committee on
25 International Relations of the House of Representatives.

1 **SEC. 153. SPECIAL ASSISTANCE AUTHORITY.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), assistance and other financing under this or any other
4 Act may be provided to Iraq notwithstanding any other
5 provision of law.

6 (b) NOTIFICATION OF PROGRAM CHANGES.—Section
7 634A of the Foreign Assistance Act of 1961 (22 U.S.C.
8 2394–1) shall apply to the assistance and other financing
9 described in subsection (a), except that the notification re-
10 quired by subsection (a) of such section with respect to
11 an obligation of funds shall be transmitted not later than
12 5 days in advance of the obligation.

13 **SEC. 154. INAPPLICABILITY OF CERTAIN RESTRICTIONS.**

14 (a) IRAQ SANCTIONS ACT.—

15 (1) AUTHORITY TO SUSPEND.—The President
16 may suspend the application of any provision of the
17 Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note).

18 (2) EXCEPTION.—Nothing in this section shall
19 otherwise affect the applicability of the Iran-Iraq
20 Arms Non-Proliferation Act of 1992 (50 U.S.C.
21 1701 note), except that such Act shall not apply to
22 humanitarian assistance and supplies.

23 (b) INAPPLICABILITY OF TERRORIST STATE RE-
24 STRICTIONS.—The President may make inapplicable with
25 respect to Iraq section 620A of the Foreign Assistance Act
26 of 1961 (22 U.S.C. 2371) and any other provisions of law

1 that apply to countries that have provided support for ter-
2 rorism.

3 (c) EXPORT OF NONLETHAL MILITARY EQUIP-
4 MENT.—

5 (1) AUTHORITY.—Notwithstanding any other
6 provision of law except section 36(c) of the Arms
7 Export Control Act (22 U.S.C. 2776(c)), the Presi-
8 dent may authorize the export to Iraq of any non-
9 lethal military equipment designated on the United
10 States Munitions List and controlled under the
11 International Trafficking in Arms Regulations estab-
12 lished pursuant to section 38 of the Arms Export
13 Control Act (22 U.S.C. 2778), if, not later than 5
14 days prior to such export, the President determines
15 and notifies the Committee on Appropriations and
16 the Committee on Foreign Relations of the Senate
17 and the Committee on Appropriations and the Com-
18 mittee on International Relations of the House of
19 Representatives that the export of such nonlethal
20 military equipment is in the national interest of the
21 United States.

22 (2) NONAPPLICABILITY OF LIMITATION.—The
23 determination and notification requirement under
24 paragraph (1) shall not apply to military equipment
25 designated by the Secretary of State for use by a

1 reconstituted or interim Iraqi military or police
2 force.

3 (d) INTERNATIONAL ORGANIZATION ACTIVITIES
4 WITH RESPECT TO IRAQ.—

5 (1) INTERNATIONAL ORGANIZATIONS AND PRO-
6 GRAMS.—Section 307 of the Foreign Assistance Act
7 of 1961 (22 U.S.C. 2227) shall not apply with re-
8 spect to international organization programs for
9 Iraq.

10 (2) INTERNATIONAL FINANCIAL INSTITU-
11 TIONS.—Provisions of law that direct the United
12 States Government to vote against or oppose loans
13 or other uses of funds from an international finan-
14 cial institution, including for financial or technical
15 assistance, shall not apply in the case of Iraq.

16 (e) NOTIFICATION OF EXERCISE OF AUTHORITIES.—

17 (1) NOTIFICATION.—Except as provided in sub-
18 section (c)(2), the President shall, not later than 5
19 days prior to exercising any of the authorities under
20 or referred to in this section, submit a notification
21 of such exercise of authority to the Committee on
22 Appropriations and the Committee on Foreign Rela-
23 tions of the Senate and the Committee on Appro-
24 priations and the Committee on International Rela-
25 tions of the House of Representatives.

1 (2) REPORTING REQUIREMENT.—Not later than
2 June 15, 2003, and every 90 days thereafter, the
3 President shall submit to the Committee on Appro-
4 priations and the Committee on Foreign Relations of
5 the Senate and the Committee on Appropriations
6 and the Committee on International Relations of the
7 House of Representatives a report containing a sum-
8 mary of all licenses approved for the export to Iraq
9 of any item on the Commerce Control List contained
10 in supplement 1 to part 774 of title 15, Code of
11 Federal Regulations, under the Export Administra-
12 tion Regulations, including the identification of the
13 end users of such items.

14 **SEC. 155. TERMINATION OF AUTHORITIES.**

15 The authorities contained in section 153 and in sub-
16 sections (a), (b), and (c) of section 154 shall expire on
17 the date that is 2 years after the date of the enactment
18 of this Act.

1 **TITLE II—AMENDMENTS TO**
2 **GENERAL FOREIGN ASSIST-**
3 **ANCE AUTHORITIES**

4 **Subtitle A—Foreign Assistance Act**
5 **Amendments and Related Provi-**
6 **sions**

7 **SEC. 201. DEVELOPMENT POLICY.**

8 Section 102(b) of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2151–1(b)) is amended—

10 (1) in paragraph (5), by—

11 (A) striking “development; and” and in-
12 serting “development;”; and

13 (B) inserting before the period at the end
14 the following: “; democracy and the rule of law;
15 and economic growth and the building of trade
16 capacity”; and

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

19 “(18) The United States development assist-
20 ance program should take maximum advantage of
21 the increased participation of United States private
22 foundations, business enterprises, and private citi-
23 zens in funding international development activities.
24 The program should utilize the development experi-
25 ence and expertise of its personnel, its access to

1 host-country officials, and its overseas presence to
2 facilitate public-private alliances and to leverage pri-
3 vate sector resources toward the achievement of de-
4 velopment assistance objectives.”.

5 **SEC. 202. ASSISTANCE FOR NONGOVERNMENTAL ORGANI-**
6 **ZATIONS.**

7 Section 123(e) of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2151u(e)) is amended to read as follows:

9 “(e)(1) Restrictions contained in this or any other
10 Act with respect to assistance for a country shall not be
11 construed to restrict assistance in support of programs of
12 nongovernmental organizations from—

13 “(A) funds made available to carry out this
14 chapter and chapters 10, 11, and 12 of part I (22
15 U.S.C. 2293 et seq.) and chapter 4 of part II (22
16 U.S.C. 2346 et seq.); or

17 “(B) funds made available for economic assist-
18 ance activities under the Support for East European
19 Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et
20 seq.).

21 “(2) The President shall submit to Congress, in ac-
22 cordance with section 634A (22 U.S.C. 2394–1), advance
23 notice of an intent to obligate funds under the authority
24 of this subsection to furnish assistance in support of pro-
25 grams of nongovernmental organizations.

1 “(3) Assistance may not be furnished through non-
2 governmental organizations to the central government of
3 a country under the authority of this subsection, but as-
4 sistance may be furnished to local, district, or subnational
5 government entities under such authority.”.

6 **SEC. 203. AUTHORITY FOR USE OF FUNDS FOR UNANTICI-**
7 **PATED CONTINGENCIES.**

8 Section 451(a)(1) of the Foreign Assistance Act of
9 1961 (22 U.S.C. 2261(a)(1)) is amended—

10 (1) by inserting “or the Arms Export Control
11 Act (22 U.S.C. 2751 et seq.)” after “chapter 1 of
12 this part”); and

13 (2) by striking “\$25,000,000” and inserting
14 “\$50,000,000”.

15 **SEC. 204. AUTHORITY TO ACCEPT LETHAL EXCESS PROP-**
16 **ERTY.**

17 Section 482(g) of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2191a(g)) is amended—

19 (1) by striking “(g) EXCESS PROPERTY.—For”
20 and inserting the following:

21 “(g) EXCESS PROPERTY.—

22 “(1) AUTHORITY.—For”;

23 (2) by striking “nonlethal” and inserting “(in-
24 cluding lethal or nonlethal property)”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(2) NOTIFICATION.—Before obligating any
4 funds to obtain lethal excess property under para-
5 graph (1), the Secretary shall submit a notification
6 of such action to Congress in accordance with the
7 procedures set forth in section 634A.”.

8 **SEC. 205. RECONSTRUCTION ASSISTANCE UNDER INTER-**
9 **NATIONAL DISASTER ASSISTANCE AUTHOR-**
10 **ITY.**

11 Section 491 of the Foreign Assistance Act of 1961
12 (22 U.S.C. 2292) is amended—

13 (1) in subsection (a), by striking “assistance for
14 the relief and rehabilitation of” and inserting “relief,
15 rehabilitation, and reconstruction assistance for”;

16 (2) in subsection (b), by striking “relief and re-
17 habilitation” and inserting “relief, rehabilitation,
18 and reconstruction”; and

19 (3) in subsection (c), by striking “relief and re-
20 habilitation” and inserting “relief, rehabilitation,
21 and reconstruction assistance”.

1 **SEC. 206. FUNDING AUTHORITIES FOR ASSISTANCE FOR**
2 **THE INDEPENDENT STATES OF THE FORMER**
3 **SOVIET UNION.**

4 Chapter 11 of part I of the Foreign Assistance Act
5 of 1961 (22 U.S.C. 2295 et seq.) is amended—

6 (1) in section 498B(j)(1) (22 U.S.C.
7 2295b(j)(1))—

8 (A) by striking “authorized to be appro-
9 priated for fiscal year 1993 by” and inserting
10 “made available to carry out”; and

11 (B) by striking “appropriated for fiscal
12 year 1993”; and

13 (2) in section 498C(b)(1) (22 U.S.C.
14 2295c(b)(1)), by striking “under subsection (a)” and
15 inserting “to carry out this chapter”.

16 **SEC. 207. WAIVER OF NET PROCEEDS RESULTING FROM**
17 **DISPOSAL OF UNITED STATES DEFENSE AR-**
18 **TICLES PROVIDED TO A FOREIGN COUNTRY**
19 **ON A GRANT BASIS.**

20 Section 505(f) of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2314(f)) is amended by striking “In the case
22 of items which were delivered prior to 1985, the” in the
23 second sentence and inserting “The”.

1 **SEC. 208. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS**
2 **DEFENSE ARTICLES IN THE WAR RESERVE**
3 **STOCKPILES FOR ALLIES TO ISRAEL.**

4 (a) TRANSFERS FOR CONCESSIONS.—

5 (1) AUTHORITY.—Notwithstanding section 514
6 of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2231h), the President may transfer to Israel, in ex-
8 change for concessions to be negotiated by the Sec-
9 retary of Defense, with the concurrence of the Sec-
10 retary of State, any or all of the items described in
11 paragraph (2).

12 (2) COVERED ITEMS.—The items referred to in
13 paragraph (1) are armor, artillery, automatic weap-
14 ons ammunition, missiles, and other munitions
15 that—

16 (A) are obsolete or surplus items;

17 (B) are in the inventory of the Department
18 of Defense;

19 (C) are intended for use as reserve stocks
20 for Israel; and

21 (D) as of the date of enactment of this
22 Act, are located in a stockpile in Israel.

23 (b) VALUE OF CONCESSIONS.—The value of conces-
24 sions negotiated pursuant to subsection (a) shall be at
25 least equal to the fair market value of the items trans-
26 ferred. The concessions may include cash compensation,

1 services, waiver of charges otherwise payable by the
2 United States, and other items of value.

3 (c) **ADVANCE NOTIFICATION OF TRANSFERS.**—Not
4 later than 30 days before making a transfer under the
5 authority of this section, the President shall transmit a
6 notification of the proposed transfer to the Committees on
7 Foreign Relations and Armed Services of the Senate and
8 the Committees on International Relations and Armed
9 Services of the House of Representatives. The notification
10 shall identify the items to be transferred and the conces-
11 sions to be received.

12 (d) **EXPIRATION OF AUTHORITY.**—No transfer may
13 be made under the authority of this section more than 5
14 years after the date of the enactment of this Act.

15 **SEC. 209. ADDITIONS TO WAR RESERVE STOCKPILES FOR**
16 **ALLIES FOR FISCAL YEAR 2004.**

17 Section 514(b)(2) of the Foreign Assistance Act of
18 1961 (22 U.S.C. 2321h(b)(2)) is amended—

19 (1) in subparagraph (A), by striking “for fiscal
20 year 2003” and inserting “for each of fiscal years
21 2003 and 2004”; and

22 (2) in subparagraph (B), by striking “for fiscal
23 year 2003” and inserting “for a fiscal year”.

1 **SEC. 210. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS**
2 **FOR LEBANON.**

3 Section 1224 of the Foreign Relations Authorization
4 Act, Fiscal Year 2003 (Public Law 107–228, 116 Stat.
5 1432; 22 U.S.C. 2346 note) is amended by adding at the
6 end the following subsection:

7 “(c) EXCEPTION.—Subsection (a) does not apply to
8 assistance made available to address the needs of southern
9 Lebanon.”.

10 **SEC. 211. ADMINISTRATION OF JUSTICE.**

11 Section 534 of the Foreign Assistance Act of 1961
12 (22 U.S.C. 2346c) is amended—

13 (1) in subsection (a), by striking “in countries
14 in Latin America and the Caribbean”;

15 (2) in subsection (b)(3)—

16 (A) in subparagraph (C), by striking
17 “and”;

18 (B) in subparagraph (D), by inserting
19 “and”; and

20 (C) by adding at the end the following new
21 subparagraph:

22 “(E) programs to enhance the protection
23 of participants in judicial cases;”;

24 (3) by striking subsection (c);

25 (4) in subsection (e), by striking the second and
26 third sentences; and

1 (5) by redesignating subsections (d) and (e) as
2 subsections (c) and (d), respectively.

3 **SEC. 212. DEMINING PROGRAMS.**

4 (a) CLARIFICATION OF AUTHORITY.—Section 551 of
5 the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is
6 amended—

7 (1) in the second sentence, by striking “Such
8 assistance may include reimbursements” and insert-
9 ing “Such assistance may include the following:

10 “(1) Reimbursements”; and

11 (2) by adding at the end the following:

12 “(2) Demining activities, clearance of
13 unexploded ordnance, destruction of small arms, and
14 related activities, notwithstanding any other provi-
15 sion of law.”.

16 (b) DISPOSAL OF DEMINING EQUIPMENT.—Notwith-
17 standing any other provision of law, demining equipment
18 available to the United States Agency for International
19 Development and the Department of State and used in
20 support of the clearance of landmines and unexploded ord-
21 nance for humanitarian purposes, may be disposed of on
22 a grant basis in foreign countries, subject to such terms
23 and conditions as the President determines appropriate.

1 (c) LANDMINE AWARENESS PROGRAM FOR THE
2 CHILDREN OF AFGHANISTAN AND OTHER CHILDREN AT
3 RISK IN AREAS OF CONFLICT.—

4 (1) FINDINGS.—Congress makes the following
5 findings:

6 (A) Most landmines in Afghanistan were
7 laid between 1980 and 1992.

8 (B) Additional landmines were laid be-
9 tween 1992 and 1996, during the conflict be-
10 tween the Taliban and the Northern Alliance.

11 (C) United States bombings against the
12 Taliban in 2001 and 2002 further increased the
13 unexploded ordinance and cluster bombs
14 throughout Afghanistan.

15 (D) The clearance of landmines is a slow
16 and expensive process.

17 (E) Certain types of landmines and other
18 unexploded ordinance are small, brightly col-
19 ored, and attractive to children.

20 (F) More than 150 Afghans, many of them
21 children, are injured every month by these
22 weapons.

23 (G) In 2003, reconstituted Taliban forces
24 have sought out and attacked workers clearing
25 landmines, in an attempt to discredit the Gov-

1 ernment of President Karzai and the United
2 States military presence.

3 (H) In May 2003, after a string of Taliban
4 attacks in which mine removal workers were
5 killed or seriously injured, the United Nations
6 suspended all mine-clearing operations in much
7 of southern Afghanistan.

8 (I) Effective landmine awareness programs
9 targeted to children could save lives in Afghani-
10 stan and in other areas of conflict where
11 unexploded ordinance are a danger to the safety
12 of children.

13 (2) AUTHORIZATION.—The President is author-
14 ized to furnish assistance to fund innovative pro-
15 grams designed to educate children in Afghanistan
16 and other affected areas about the dangers of land-
17 mines and other unexploded ordinances, especially
18 those proposed by organizations with extensive back-
19 ground in children’s educational programs.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—In
21 addition to funds otherwise authorized to be appro-
22 priated for demining and related activities under the
23 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
24 seq.), there are authorized to be appropriated for fis-

1 cal year 2004 such sums as may be necessary to
2 carry out the purposes of this subsection.

3 **SEC. 213. SPECIAL WAIVER AUTHORITY.**

4 (a) REVISION OF AUTHORITY.—Section 614 of the
5 Foreign Assistance Act of 1961 (22 U.S.C. 2364) is
6 amended in subsection (a) by—

7 (1) striking paragraphs (1) and (2) and insert-
8 ing the following new paragraph:

9 “(1) The President may authorize any assistance,
10 sale, or other action under this Act, the Arms Export Con-
11 trol Act (22 U.S.C. 2751 et seq.), or any other law that
12 authorizes the furnishing of foreign assistance or the ap-
13 propriation of funds for foreign assistance, without regard
14 to any of the provisions described in subsection (b) if the
15 President determines, and notifies the Committees on For-
16 eign Relations and Appropriations of the Senate and the
17 Committees on International Relations and Appropria-
18 tions of the House of Representatives in writing—

19 “(A) with respect to assistance or other actions
20 under chapter 2 or 5 of part II of this Act, or sales
21 or other actions under the Arms Export Control Act
22 (22 U.S.C. 2751 et seq.), that to do so is vital to
23 the national security interests of the United States;
24 and

1 “(B) with respect to other assistance or actions,
2 that to do so is important to the security interests
3 of the United States.”; and

4 (2) redesignating paragraphs (3), (4), and (5)
5 as paragraphs (2), (3), and (4), respectively.

6 (b) INCREASED LIMITATION ON SINGLE COUNTRY
7 ALLOCATION.—Subsection (a)(3)(C) of such section, as
8 redesignated, is amended by striking “\$50,000,000” and
9 inserting “\$75,000,000”.

10 (c) REPEAL OF PROVISIONS RELATING TO GERMANY
11 AND A CERTIFICATION REQUIREMENT.—Section 614 of
12 such Act is further amended by striking subsections (b)
13 and (c).

14 (d) INAPPLICABLE OR WAIVABLE LAWS.—Such sec-
15 tion, as amended by subsection (c), is further amended
16 by adding at the end the following:

17 “(b) INAPPLICABLE OR WAIVABLE LAWS.—The pro-
18 visions referred to in paragraphs (1) and (2) of subsection
19 (a) are those set forth in any of the following:

20 “(1) Any provision of this Act.

21 “(2) Any provision of the Arms Export Control
22 Act (22 U.S.C. 2751 et seq.).

23 “(3) Any provision of law that authorizes the
24 furnishing of foreign assistance or appropriates
25 funds for foreign assistance.

1 “(4) Any other provision of law that restricts
2 assistance, sales or leases, or other action under a
3 provision of law referred to in paragraph (1), (2), or
4 (3).

5 “(5) Any provision of law that relates to re-
6 ceipts and credits accruing to the United States.”.

7 **SEC. 214. PROHIBITION OF ASSISTANCE FOR COUNTRIES IN**
8 **DEFAULT.**

9 (a) CLARIFICATION OF PROHIBITED RECIPIENTS.—
10 Section 620(q) of the Foreign Assistance Act of 1961 (22
11 U.S.C. 2370(q)) is amended—

12 (1) by striking “any country” and inserting
13 “the government of any country”; and

14 (2) by striking “such country” each place it ap-
15 pears and inserting “such government”.

16 (b) PERIOD OF PROHIBITION.—Such section 620(q)
17 is further amended by striking “six calendar months” and
18 inserting “one year”.

19 **SEC. 215. MILITARY COUPS.**

20 Section 620 of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2370) is amended by inserting after subsection
22 (l) the following new subsection (m):

23 “(m)(1) No assistance may be furnished under this
24 Act or the Arms Export Control Act (22 U.S.C. 2751 et
25 seq.) for the government of a country if the duly elected

1 head of government for such country is deposed by decree
 2 or military coup. The prohibition in the preceding sentence
 3 shall cease to apply to a country if the President deter-
 4 mines and certifies to the Committee on Foreign Relations
 5 of the Senate and the Committee on International Rela-
 6 tions of the House of Representatives that after the termi-
 7 nation of assistance a democratically elected government
 8 for such country has taken office.

9 “(2) Paragraph (1) does not apply to assistance to
 10 promote democratic elections or public participation in
 11 democratic processes.

12 “(3) The President may waive the application of
 13 paragraph (1), and any comparable provision of law, to
 14 a country upon determining that it is important to the
 15 national security interest of the United States to do so.”.

16 **SEC. 216. DESIGNATION OF POSITION FOR WHICH AP-**
 17 **POINTEE IS NOMINATED.**

18 Section 624 of the Foreign Assistance Act of 1961
 19 (22 U.S.C. 2584) is amended by inserting after subsection
 20 (c) the following new subsection (d):

21 “(d) **NOMINATION OF OFFICERS.**—Whenever the
 22 President submits to the Senate a nomination of an indi-
 23 vidual for appointment to a position authorized under sub-
 24 section (a), the President shall designate the particular po-

1 sition in the agency for which the individual is nomi-
2 nated.”.

3 **SEC. 217. EXCEPTIONS TO REQUIREMENT FOR CONGRES-**
4 **SIONAL NOTIFICATION OF PROGRAM**
5 **CHANGES.**

6 Section 634A(b) of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2394–1(b)) is amended—

8 (1) by striking “or” at the end of paragraph
9 (1);

10 (2) by striking the period at the end of para-
11 graph (2) and inserting a semicolon; and

12 (3) by adding at the end the following new
13 paragraphs:

14 “(3) of funds if the advance notification would
15 pose a substantial risk to human health or welfare,
16 but such notification shall be provided to the com-
17 mittees of Congress named in subsection (a) not
18 later than 3 days after the action is taken; or

19 “(4) of funds made available under section 23
20 of the Arms Export Control Act (22 U.S.C. 2763)
21 for the provision of major defense equipment (other
22 than conventional ammunition), aircraft, ships, mis-
23 siles, or combat vehicles in quantities not in excess
24 of 20 percent of the quantities previously justified
25 under section 25 of such Act (22 U.S.C. 2765).”.

1 **SEC. 218. COMMITMENTS FOR EXPENDITURES OF FUNDS.**

2 Section 635(h) of the Foreign Assistance Act of 1961
3 (22 U.S.C. 2395(h)) is amended by striking “available”
4 and all that follows through “may,” and inserting “made
5 available under this Act may,”.

6 **SEC. 219. ALTERNATIVE DISPUTE RESOLUTION.**

7 Section 635(i) of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2395(i)) is amended to read as follows:

9 “(i) Notwithstanding any other provision of law,
10 claims arising as a result of operations under this Act may
11 be settled (including by use of alternative dispute resolu-
12 tion procedures) or arbitrated with the consent of the par-
13 ties. Payment made pursuant to any such settlement or
14 arbitration shall be final and conclusive.”.

15 **SEC. 220. ADMINISTRATIVE AUTHORITIES.**

16 Section 636 of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2396) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (3), by—

20 (i) striking “abroad”; and

21 (ii) striking “Civil Service Commis-
22 sion” and inserting “Office of Personnel
23 Management”;

24 (B) by striking paragraph (5) and insert-
25 ing the following:

1 “(5) purchase and hire of passenger motor vehi-
2 cles;”; and

3 (C) in paragraph (10), by striking “for not
4 to exceed ten years”;

5 (2) in subsection (e), by striking “not to exceed
6 \$6,000,000 of the”; and

7 (3) in subsection (d), by striking “Not to ex-
8 ceed \$2,500,000 of funds” and inserting “Funds”.

9 **SEC. 221. ASSISTANCE FOR LAW ENFORCEMENT FORCES.**

10 Section 660 of the Foreign Assistance Act of 1961
11 (22 U.S.C. 2420) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (6), by striking “and the
14 provision of professional” and all that follows
15 through “democracy” and inserting “including
16 any regional, district, municipal, or other sub-
17 national entity emerging from instability”;

18 (B) by striking the period at the end of
19 paragraph (7) and inserting a semicolon; and

20 (C) by adding at the end the following new
21 paragraphs:

22 “(8) with respect to assistance to combat cor-
23 ruption in furtherance of the objectives for which
24 programs are authorized to be established under sec-
25 tion 133 of this Act (22 U.S.C. 2152c);

1 “(9) with respect to the provision of profes-
2 sional public safety training, including training in
3 internationally recognized standards of human
4 rights, the rule of law, and the promotion of civilian
5 police roles that support democracy; and

6 “(10) with respect to assistance to combat traf-
7 ficking in persons.”;

8 (2) by striking subsection (d) and inserting the
9 following:

10 “(d) Subsection (a) does not apply to assistance for
11 law enforcement forces for which the Secretary, on a case-
12 by-case basis, determines that it is important to the na-
13 tional interest of the United States to furnish such assist-
14 ance and submits to the committees of the Congress re-
15 ferred to in subsection (a) of section 634A of this Act (22
16 U.S.C. 2394–1) an advance notification of the obligation
17 of funds for such assistance in accordance with such sec-
18 tion 634A.”.

19 **SEC. 222. SPECIAL DEBT RELIEF FOR THE POOREST.**

20 The Foreign Assistance Act of 1961 is amended by
21 adding at the end the following:

1 “(C) section 202 of the Agricultural Trade
2 Act of 1978 (7 U.S.C. 5622).

3 “(b) GENERAL LIMITATIONS.—

4 “(1) EXCLUSIVE CONDITIONS.—The authority
5 provided in subsection (a) may be exercised—

6 “(A) only to implement multilateral official
7 debt relief and referendum agreements, com-
8 monly referred to as ‘Paris Club Agreed Min-
9 utes’;

10 “(B) only in such amounts or to such ex-
11 tent as is provided in advance in appropriations
12 Acts; and

13 “(C) only with respect to countries with
14 heavy debt burdens that—

15 “(i) are eligible to borrow from the
16 International Development Association, but
17 not from the International Bank for Re-
18 construction and Development, commonly
19 referred to as ‘IDA-only’ countries; and

20 “(ii) are not determined ineligible
21 under subsection (c).

22 “(2) ADVANCE NOTIFICATION OF CONGRESS.—
23 The authority provided by subsection (a) shall be
24 subject to the requirements of section 634A of this
25 Act (22 U.S.C. 2394–1).

1 “(c) ELIGIBILITY LIMITATIONS.—The authority pro-
2 vided by subsection (a) may be exercised only with respect
3 to a country the government of which, as determined by
4 the President—

5 “(1) does not make an excessive level of mili-
6 tary expenditures;

7 “(2) has not repeatedly provided support for
8 acts of international terrorism;

9 “(3) is not failing to cooperate on international
10 narcotics control matters;

11 “(4) does not engage, through its military or
12 security forces or by other means, in a consistent
13 pattern of gross violations of internationally recog-
14 nized human rights; and

15 “(5) is not ineligible for assistance under sec-
16 tion 527 of the Foreign Relations Authorization Act,
17 Fiscal Years 1994 and 1995 (22 U.S.C. 2370a).

18 “(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
19 duction of debt pursuant to subsection (a) may not be con-
20 sidered assistance for purposes of any provision of law lim-
21 iting assistance to a country. The authority provided in
22 subsection (a) may be exercised notwithstanding section
23 620(r) of this Act (22 U.S.C. 2370(r)) or section 321 of
24 the International Development and Food Assistance Act
25 of 1975 (22 U.S.C. 2220a note).”.

1 **SEC. 223. CONGO BASIN FOREST PARTNERSHIP.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Deforestation and environmental degrada-
5 tion in the Congo Basin in central Africa pose a
6 major threat to the wellbeing and livelihood of the
7 African people and to the world at large.

8 (2) It is in the national interest of the United
9 States to assist the countries of the Congo Basin to
10 reduce the rate of forest degradation and loss of bio-
11 diversity.

12 (3) The Congo Basin Forest Partnership, an
13 initiative involving the Central Africa Regional Pro-
14 gram for the Environment of the United States
15 Agency for International Development, and also the
16 Department of State, the United States Fish and
17 Wildlife Service, the National Park Service, the Na-
18 tional Forest Service, and National Aeronautics and
19 Space Administration, was established to address in
20 a variety of ways the environmental conditions in the
21 Congo Basin.

22 (4) In partnership with nongovernmental envi-
23 ronmental groups, the Congo Basin Forest Partner-
24 ship will foster improved conservation and manage-
25 ment of natural resources through programs at the

1 local, national, and regional levels to help reverse the
2 environmental degradation of the Congo Basin.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the Congo Basin Forest Partnership pro-
6 gram represents a significant effort at addressing
7 the complex environmental and development chal-
8 lenges in the Congo Basin; and

9 (2) the President should make available for fis-
10 cal year 2004 at least the total level of assistance
11 that the President requested for such fiscal year for
12 all agencies participating in the Congo Basin Forest
13 Partnership program for fiscal year 2004.

14 **SEC. 224. LANDMINE CLEARANCE PROGRAMS.**

15 The Secretary is authorized to support cooperative
16 arrangements commonly known as public-private partner-
17 ships for landmine clearance programs by grant or cooper-
18 ative agreement.

19 **SEC. 225. MIDDLE EAST FOUNDATION.**

20 (a) PURPOSES.—The purposes of this section are to
21 support, through the provision of grants, technical assist-
22 ance, training, and other programs, in the countries of the
23 Middle East, the expansion of—

24 (1) civil society;

1 (2) opportunities for political participation for
2 all citizens;

3 (3) protections for internationally recognized
4 human rights, including the rights of women;

5 (4) educational system reforms;

6 (5) independent media;

7 (6) policies that promote economic opportunities
8 for citizens;

9 (7) the rule of law; and

10 (8) democratic processes of government.

11 (b) MIDDLE EAST FOUNDATION.—

12 (1) DESIGNATION.—The Secretary of State is
13 authorized to designate an appropriate private, non-
14 profit organization that is organized or incorporated
15 under the laws of the United States or of a State
16 as the Middle East Foundation (referred to in this
17 section as the “Foundation”).

18 (2) FUNDING.—The Secretary of State is au-
19 thorized to provide funding to the Foundation
20 through the Middle East Partnership Initiative of
21 the Department of State. The Foundation shall use
22 amounts provided under this paragraph to carry out
23 the purposes of this section, including through mak-
24 ing grants and providing other assistance to entities
25 to carry out programs for such purposes.

1 (3) NOTIFICATION TO CONGRESSIONAL COMMIT-
2 TEES.—The Secretary shall notify the Committee on
3 Foreign Relations of the Senate and the Committee
4 on International Relations of the House of Rep-
5 resentatives before designating an appropriate orga-
6 nization as the Foundation.

7 (c) GRANTS FOR PROJECTS.—

8 (1) FOUNDATION TO MAKE GRANTS.—The Sec-
9 retary of State shall enter into an agreement with
10 the Foundation that requires the Foundation to use
11 the funds provided under subsection (b)(2) to make
12 grants to persons (other than governments or gov-
13 ernment entities) located in the Middle East or
14 working with local partners based in the Middle
15 East to carry out projects that support the purposes
16 specified in subsection (a).

17 (2) CENTER FOR PUBLIC POLICY.—Under the
18 agreement described in paragraph (1), the Founda-
19 tion may make a grant to an institution of higher
20 education located in the Middle East to create a cen-
21 ter for public policy for the purpose of permitting
22 scholars and professionals from the countries of the
23 Middle East and from other countries, including the
24 United States, to carry out research, training pro-
25 grams, and other activities to inform public policy-

1 making in the Middle East and to promote broad
2 economic, social, and political reform for the people
3 of the Middle East.

4 (3) APPLICATIONS FOR GRANTS.—An entity
5 seeking a grant from the Foundation under this sec-
6 tion shall submit an application to the head of the
7 Foundation at such time, in such manner, and in-
8 cluding such information as the head of the Founda-
9 tion may reasonably require.

10 (d) PRIVATE CHARACTER OF THE FOUNDATION.—
11 Nothing in this section shall be construed to—

12 (1) make the Foundation an agency or estab-
13 lishment of the United States Government, or to
14 make the officers or employees of the Foundation of-
15 ficers or employees of the United States for purposes
16 of title 5, United States Code; or

17 (2) to impose any restriction on the Founda-
18 tion's acceptance of funds from private and public
19 sources in support of its activities consistent with
20 the purposes of this section.

21 (e) LIMITATION ON PAYMENTS TO FOUNDATION
22 PERSONNEL.—No part of the funds provided to the Foun-
23 dation under this section shall inure to the benefit of any
24 officer or employee of the Foundation, except as salary
25 or reasonable compensation for services.

1 (f) RETENTION OF INTEREST.—The Foundation may
2 hold funds provided under this section in interest-bearing
3 accounts prior to the disbursement of such funds to carry
4 out the purposes of this section, and may retain for use
5 for such purposes any interest earned without returning
6 such interest to the Treasury of the United States and
7 without further appropriation by Congress.

8 (g) FINANCIAL ACCOUNTABILITY.—

9 (1) INDEPENDENT PRIVATE AUDITS OF THE
10 FOUNDATION.—The accounts of the Foundation
11 shall be audited annually in accordance with gen-
12 erally accepted auditing standards by independent
13 certified public accountants or independent licensed
14 public accountants certified or licensed by a regu-
15 latory authority of a State or other political subdivi-
16 sion of the United States. The report of the inde-
17 pendent audit shall be included in the annual report
18 required by subsection (h).

19 (2) GAO AUDITS.—The financial transactions
20 undertaken pursuant to this section by the Founda-
21 tion may be audited by the General Accounting Of-
22 fice in accordance with such principles and proce-
23 dures and under such rules and regulations as may
24 be prescribed by the Comptroller General of the
25 United States.

1 (3) AUDITS OF GRANT RECIPIENTS.—

2 (A) IN GENERAL.—A recipient of a grant
3 from the Foundation shall agree to permit an
4 audit of the books and records of such recipient
5 related to the use of the grant funds.

6 (B) RECORDKEEPING.—Such recipient
7 shall maintain appropriate books and records to
8 facilitate an audit referred to subparagraph
9 (A), including—

10 (i) separate accounts with respect to
11 the grant funds;

12 (ii) records that fully disclose the use
13 of the grant funds;

14 (iii) records describing the total cost
15 of any project carried out using grant
16 funds; and

17 (iv) the amount and nature of any
18 funds received from other sources that
19 were combined with the grant funds to
20 carry out a project.

21 (h) ANNUAL REPORTS.—Not later than January 31,
22 2005, and annually thereafter, the Foundation shall sub-
23 mit to Congress and make available to the public an an-
24 nual report that includes, for the fiscal year prior to the

1 fiscal year in which the report is submitted, a comprehen-
 2 sive and detailed description of—

3 (1) the operations and activities of the Founda-
 4 tion that were carried out using funds provided
 5 under this section;

6 (2) grants made by the Foundation to other en-
 7 tities with funds provided under this section;

8 (3) other activities of the Foundation to further
 9 the purposes of this section; and

10 (4) the financial condition of the Foundation.

11 **Subtitle B—Arms Export Control**
 12 **Act Amendments and Related**
 13 **Provisions**

14 **SEC. 231. THRESHOLDS FOR ADVANCE NOTICE TO CON-**
 15 **GRESS OF SALES OR UPGRADES OF DEFENSE**
 16 **ARTICLES, DESIGN AND CONSTRUCTION**
 17 **SERVICES, AND MAJOR DEFENSE EQUIP-**
 18 **MENT.**

19 (a) LETTERS OF OFFER TO SELL.—Subsection (b)
 20 of section 36 of the Arms Export Control Act (22 U.S.C.
 21 2776) is amended—

22 (1) in the first sentence of paragraph (1)—

23 (A) by striking “Subject to paragraph (6),
 24 in” and inserting “In”;

1 (B) by striking “\$50,000,000” and insert-
2 ing “\$100,000,000”;

3 (C) by striking “services for
4 \$200,000,000” and inserting “services for
5 \$350,000,000”;

6 (D) by striking “\$14,000,000” and insert-
7 ing “\$50,000,000”; and

8 (E) by inserting “and in other cases if the
9 President determines it is appropriate,” before
10 “before such letter”;

11 (2) in the first sentence of paragraph (5)(C)—

12 (A) by striking “Subject to paragraph (6),
13 if” and inserting “If”;

14 (B) by striking “\$14,000,000” and insert-
15 ing “\$50,000,000”;

16 (C) by striking “\$50,000,000” and insert-
17 ing “\$100,000,000”;

18 (D) by striking “or \$200,000,000” and in-
19 serting “or \$350,000,000”; and

20 (E) by inserting “and in other cases if the
21 President determines it is appropriate,” before
22 “then the President”; and

23 (3) by striking paragraph (6).

1 (b) EXPORT LICENSES.—Subsection (c) of section 36
2 of the Arms Export Control Act (22 U.S.C. 2776) is
3 amended—

4 (1) in the first sentence of paragraph (1)—

5 (A) by striking “Subject to paragraph (5),
6 in” and inserting “In”;

7 (B) by striking “\$14,000,000” and insert-
8 ing “\$50,000,000”;

9 (C) by striking “\$50,000,000” and insert-
10 ing “\$100,000,000”; and

11 (D) by inserting “and in other cases if the
12 President determines it is appropriate,” before
13 “before issuing such”;

14 (2) in the last sentence of paragraph (2), by
15 striking “(A) and (B)” and inserting “(A), (B), and
16 (C)”; and

17 (3) by striking paragraph (5).

18 (c) PRESIDENTIAL CONSENT.—Section 3(d) of the
19 Arms Export Control Act (22 U.S.C. 2753(d)) is amend-
20 ed—

21 (1) in paragraphs (1) and (3)(A)—

22 (A) by striking “Subject to paragraph (5),
23 the” and inserting “The”;

24 (B) by striking “\$14,000,000” and insert-
25 ing “\$50,000,000”; and

1 (C) by striking “\$50,000,000” and insert-
2 ing “\$100,000,000”; and
3 (2) by striking paragraph (5).

4 **SEC. 232. CLARIFICATION OF REQUIREMENT FOR ADVANCE**
5 **NOTICE TO CONGRESS OF COMPREHENSIVE**
6 **EXPORT AUTHORIZATIONS.**

7 Subsection (d) of section 36 of the Arms Export Con-
8 trol Act (22 U.S.C. 2776) is amended—

9 (1) in paragraph (1)—

10 (A) by inserting “(A)” after “(1)”;

11 (B) by striking “this subsection” and in-
12 serting “this subparagraph”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(B) Notwithstanding section 27(g), in the case of
16 a comprehensive authorization described in section 126.14
17 of title 22, Code of Federal Regulations (or any cor-
18 responding similar regulation) for the proposed export of
19 defense articles or defense services in an amount that ex-
20 ceeds a limitation set forth in subsection (c)(1), before the
21 comprehensive authorization is approved or the addition
22 of a foreign government or other foreign partner to the
23 comprehensive authorization is approved, the President
24 shall submit a certification with respect to the comprehen-
25 sive authorization in a manner similar to the certification

1 required under subsection (c)(1) of this section and con-
 2 taining comparable information, except that the last sen-
 3 tence of such subsection shall not apply to certifications
 4 submitted pursuant to this subparagraph.”; and

5 (2) in paragraph (4), by striking “Approval for
 6 an agreement subject to paragraph (1) may not be
 7 given under section 38” and inserting “Approval for
 8 an agreement subject to paragraph (1)(A), or for a
 9 comprehensive authorization subject to paragraph
 10 (1)(B), may not be given under section 38 or section
 11 126.14 of title 22, Code of Federal Regulations (or
 12 any corresponding similar regulation), as the case
 13 may be.”.

14 **SEC. 233. EXCEPTION TO BILATERAL AGREEMENT RE-**
 15 **QUIREMENTS FOR TRANSFERS OF DEFENSE**
 16 **ITEMS WITHIN AUSTRALIA.**

17 (a) EXCEPTION ON TRANSFERS WITHIN AUS-
 18 TRALIA.—Subsection (j) of section 38 of the Arms Export
 19 Control Act (22 U.S.C. 2778(j)) is amended by adding
 20 at the end the following new paragraph:

21 “(5) EXCEPTION FROM BILATERAL AGREEMENT
 22 REQUIREMENTS.—The requirements for a bilateral
 23 agreement described in paragraph (2)(A) of this
 24 subsection shall not apply to such an agreement be-
 25 tween the United States Government and the Gov-

1 ernment of Australia with respect to transfers within
2 Australia of defense items that will remain subject
3 to the licensing requirements of this Act after the
4 agreement enters into force.”.

5 (b) CONFORMING AMENDMENTS.—Paragraph (2) of
6 such subsection (22 U.S.C. 2778(j)(2)) is amended in the
7 material preceding subparagraph (A) by striking “A bilat-
8 eral agreement” and inserting “Except as provided in
9 paragraph 5, a bilateral agreement”.

10 **SEC. 234. AUTHORITY TO PROVIDE CATALOGING DATA AND**
11 **SERVICES TO NON-NATO COUNTRIES.**

12 Section 21(h)(2) of the Arms Export Control Act (22
13 U.S.C. 2761(h)(2)) is amended by striking “to the North
14 Atlantic Treaty Organization or to any member govern-
15 ment of that Organization if that Organization or member
16 government” and inserting “to the North Atlantic Treaty
17 Organization, to any member government of that Organi-
18 zation, or to the government of any other country if that
19 Organization, member government, or other government”.

20 **SEC. 235. FREEDOM SUPPORT ACT PERMANENT WAIVER**
21 **AUTHORITY.**

22 (a) AUTHORITY TO WAIVE RESTRICTIONS AND ELI-
23 GIBILITY REQUIREMENTS.—If the President submits the
24 certification and report described in subsection (b) with
25 respect to an independent state of the former Soviet Union

1 for a fiscal year, funds may be obligated and expended
2 during that fiscal year under sections 503 and 504 of the
3 FREEDOM Support Act (22 U.S.C. 5852) for assistance
4 or other programs and activities for that state even if that
5 state has not met one or more of the requirements for
6 eligibility under paragraphs (1) through (4) of that sec-
7 tion.

8 (b) CERTIFICATION AND REPORT.—

9 (1) IN GENERAL.—The certification and report
10 referred to in subsection (a) are a written certifi-
11 cation submitted by the President to Congress that
12 the waiver of the restriction under such section 502
13 and the requirements in that section during the fis-
14 cal year covered by such certification is important to
15 the national security interests of the United States,
16 together with a report containing the following:

17 (A) A description of the activity or activi-
18 ties that prevent the President from certifying
19 that the state is committed to the matters set
20 forth in the provisions of law specified in sub-
21 section (a) in such fiscal year.

22 (B) An explanation of why the waiver is
23 important to the national security interests of
24 the United States.

1 (C) A description of the strategy, plan, or
2 policy of the President for promoting the com-
3 mitment of the state to, and compliance by the
4 state with, such matters, notwithstanding the
5 waiver.

6 (2) FORM OF REPORT.—A report under para-
7 graph (1) shall be submitted in unclassified form,
8 but may include a classified annex.

9 **SEC. 236. EXTENSION OF PAKISTAN WAIVERS.**

10 The Act entitled “An Act to authorize the President
11 to exercise waivers of foreign assistance restrictions with
12 respect to Pakistan through September 30, 2003, and for
13 other purposes”, approved October 27, 2001 (Public Law
14 107–57; 115 Stat. 403), is amended—

15 (1) in section 1(a)—

16 (A) by striking “2002” in the heading and
17 inserting “2004”; and

18 (B) by striking “2002” in paragraph (1)
19 and inserting “2004”;

20 (2) in paragraph (2) of section 3, by striking
21 “Foreign Operations, Export Financing, and Re-
22 lated Programs Appropriations Acts, 2002, as is”
23 and inserting “annual foreign operations, export fi-
24 nancing, and related programs appropriations Acts
25 for fiscal years 2002, 2003, and 2004, as are”; and

1 (3) in section 6, by striking “October 1, 2003”
2 and inserting “October 1, 2004”.

3 **SEC. 237. CONSOLIDATION OF REPORTS ON NON-**
4 **PROLIFERATION IN SOUTH ASIA.**

5 Section 1601(c) of the Foreign Relations Authoriza-
6 tion Act, Fiscal Year 2003 is amended to read as follows:

7 “(c) REPORT.—The report required to be submitted
8 to Congress not later than April 1, 2004 pursuant to sec-
9 tion 620F(c) of the Foreign Assistance Act of 1961 (22
10 U.S.C. 2376(c)) shall include a description of the efforts
11 of the United States Government to achieve the objectives
12 described in subsections (a) and (b), the progress made
13 toward achieving such objectives, and the likelihood that
14 such objectives will be achieved by September 30, 2004.”.

15 **SEC. 238. HAITIAN COAST GUARD.**

16 The Government of Haiti shall be eligible to purchase
17 defense articles and services for the Haitian Coast Guard
18 under the Arms Export Control Act (22 U.S.C. 2751 et
19 seq.), subject to the prior notification requirements under
20 section 634A of the Foreign Assistance Act of 1961 (22
21 U.S.C. 2394–1).

22 **SEC. 239. SENSE OF CONGRESS RELATING TO EXPORTS OF**
23 **DEFENSE ITEMS TO THE UNITED KINGDOM.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) The continued cooperation between the
2 United States and the United Kingdom is critical to
3 the national security and economic stability of the
4 United States and the world.

5 (2) The United Kingdom has demonstrated a
6 commitment to implementing and maintaining an ef-
7 fective export control system that prohibits countries
8 designated as supporting international terrorism and
9 other rogue states from securing items and tech-
10 nology that threaten the national security of the
11 United States.

12 (3) The United States and the United Kingdom
13 have been strategic partners with respect to the ef-
14 forts of the United Nations Security Council
15 Counter-Terrorism Committee to eradicate terrorism
16 and the financing of terrorist activities.

17 (4) The war in Iraq demonstrated the close co-
18 operation that exists between the United States and
19 the United Kingdom with respect to military and de-
20 fense operations.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the United States Government and the Gov-
24 ernment of the United Kingdom should finalize a bi-
25 lateral agreement with respect to an exemption for

1 certain qualified United States-origin defense items
2 from the licensing requirements under the Inter-
3 national Traffic in Arms Regulations (ITAR); and

4 (2) following the completion of the bilateral
5 agreement, the United States should approve an ex-
6 ception, as appropriate, relating to the bilateral
7 agreement with the United Kingdom from the re-
8 quirements described in section 38(j) of the Arms
9 Export Control Act (22 U.S.C. 2778(j)).

10 **SEC. 240. MARKETING INFORMATION FOR COMMERCIAL**
11 **COMMUNICATIONS SATELLITES.**

12 (a) IN GENERAL.—A license shall not be required
13 under section 38 of the Arms Export Control Act (22
14 U.S.C. 2778) for the transfer of marketing information
15 for the purpose of providing information directly related
16 to the sale of commercial communications satellites and
17 related parts to a member country of the North Atlantic
18 Treaty Organization (NATO) and Australia, Japan, and
19 New Zealand.

20 (b) MARKETING INFORMATION.—In this section, the
21 term “marketing information” means data that a seller
22 must provide to a potential customer (including a foreign
23 end-user) that will enable the customer to make a pur-
24 chase decision to award a contract for goods or services,
25 including system description, functional information, price

1 and schedule information, information required for instal-
2 lation, operation, maintenance, and repair, and includes
3 that level of data necessary to ensure safe use of the prod-
4 uct, but does not include sensitive encryption and source
5 code data, detailed design data, engineering analysis, or
6 manufacturing know-how.

7 (c) EXCEPTION.—Nothing in this section shall ex-
8 empt commercial communications satellites from any li-
9 censing requirement under section 38 of the Arms Export
10 Control Act (22 U.S.C. 2778) for defense items and de-
11 fense services, except as described in subsection (a).

12 **TITLE III—RADIOLOGICAL TER-** 13 **RORISM THREAT REDUCTION**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Radiological Ter-
16 rorism Threat Reduction Act of 2003”.

17 **SEC. 302. FINDINGS.**

18 Congress makes the following findings:

19 (1) It is feasible for terrorists to obtain and dis-
20 seminate radioactive material by using a radiological
21 dispersion device (RDD) or by emplacing discrete
22 radioactive sources in major public places.

23 (2) An attack by terrorists using radiological
24 material could cause catastrophic economic and so-

1 cial damage, although it might kill few, if any,
2 Americans.

3 (3) The first line of defense against radiological
4 terrorism is preventing the acquisition of radioactive
5 material by terrorists.

6 **SEC. 303. DEFINITIONS.**

7 In this title:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means the Committee on Foreign Relations
11 of the Senate and the Committee on International
12 Relations of the House of Representatives.

13 (2) BYPRODUCT MATERIAL.—The term “by-
14 product material” has the meaning given the term in
15 section 11 e. of the Atomic Energy Act of 1954 (42
16 U.S.C. 2014(e)).

17 (3) IAEA.—The term “IAEA” means the
18 International Atomic Energy Agency.

19 (4) INDEPENDENT STATES OF THE FORMER SO-
20 VIET UNION.—The term “independent states of the
21 former Soviet Union” has the meaning given the
22 term in section 3 of the FREEDOM Support Act
23 (22 U.S.C. 5801).

24 (5) RADIOACTIVE MATERIAL.—The term “ra-
25 dioactive material” means—

1 (A) source material and special nuclear
2 material, but does not include natural or de-
3pleted uranium;

4 (B) nuclear byproduct material;

5 (C) material made radioactive by bombard-
6ment in an accelerator; and

7 (D) all refined isotopes of radium.

8 (6) RADIOACTIVE SOURCE.—The term “radio-
9active source” means radioactive material that is
10permanently sealed in a capsule or closely bonded
11and includes any radioactive material released if the
12source is leaking or stolen, but does not include any
13material within the nuclear fuel cycle of a research
14or power reactor.

15 (7) RADIOISOTOPE THERMAL GENERATOR.—
16The term “radioisotope thermal generator” means
17an electrical generator which derives its power from
18the heat produced by the decay of a radioactive
19source by the emission of alpha, beta, or gamma ra-
20diation. The term does not include nuclear reactors
21deriving their energy from the fission or fusion of
22atomic nuclei.

23 (8) SECRETARY.—The term “Secretary” means
24the Secretary of State.

1 (9) SOURCE MATERIAL.—The term “source ma-
2 terial” has the meaning given the term in section 11
3 z. of the Atomic Energy Act of 1954 (42 U.S.C.
4 2014(z)).

5 (10) SPECIAL NUCLEAR MATERIAL.—The term
6 “special nuclear material” has the meaning given
7 the term in section 11 aa. of the Atomic Energy Act
8 of 1954 (42 U.S.C. 2014(aa)).

9 **SEC. 304. INTERNATIONAL STORAGE FACILITIES FOR RA-**
10 **DIOACTIVE SOURCES.**

11 (a) AGREEMENTS ON TEMPORARY SECURE STOR-
12 AGE.—The Secretary is authorized to propose that the
13 IAEA conclude agreements with up to 8 countries under
14 which agreement each country would provide temporary
15 secure storage for orphaned, unused, surplus, or other ra-
16 dioactive sources (other than special nuclear material, nu-
17 clear fuel, or spent nuclear fuel). Such agreements shall
18 be consistent with the IAEA Code of Conduct on the Safe-
19 ty and Security of Radioactive Sources, and shall address
20 the need for storage of such radioactive sources in coun-
21 tries or regions of the world where convenient access to
22 secure storage of such radioactive sources does not exist.

23 (b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-
24 IZED.—

1 (1) IN GENERAL.—The Secretary is authorized
2 to make voluntary contributions to the IAEA for use
3 by the Department of Nuclear Safety of the IAEA
4 to fund the United States share of the costs of ac-
5 tivities associated with or under agreements under
6 subsection (a).

7 (2) UNITED STATES SHARE IN FISCAL YEAR
8 2004.—The United States share of the costs of ac-
9 tivities under agreements under subsection (a) in fis-
10 cal year 2004 may be 100 percent of the costs of
11 such activities in that fiscal year.

12 (c) TECHNICAL ASSISTANCE.—The Secretary is au-
13 thorized to provide the IAEA and other countries with
14 technical assistance to carry out activities under agree-
15 ments under subsection (a) in a manner that meets the
16 standards of the IAEA Code of Conduct on the Safety
17 and Security of Radioactive Sources.

18 (d) APPLICABILITY OF ENVIRONMENTAL LAWS.—

19 (1) INAPPLICABILITY OF NEPA TO FACILITIES
20 OUTSIDE UNITED STATES.—The National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
22 shall not apply with respect to any temporary secure
23 storage facility constructed outside the United
24 States under an agreement under subsection (a).

1 (2) APPLICABILITY OF FOREIGN ENVIRON-
2 MENTAL LAWS.—The construction and operation of
3 a facility described in paragraph (1) shall be gov-
4 erned by any applicable environmental laws of the
5 country in which the facility is constructed.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—Of the amounts authorized
8 to be appropriated under this Act for Nonprolifera-
9 tion, Anti-terrorism, Demining, and Related Pro-
10 grams, there is authorized to be appropriated to the
11 President for fiscal year 2004, \$4,000,000 to carry
12 out this section.

13 (2) AVAILABILITY.—Amounts authorized to be
14 appropriated by paragraph (1) are authorized to re-
15 main available until expended.

16 **SEC. 305. DISCOVERY, INVENTORY, AND RECOVERY OF RA-**
17 **DIOACTIVE SOURCES.**

18 (a) AUTHORITY.—The Secretary is authorized to pro-
19 vide assistance, including through voluntary contributions
20 to the IAEA under subsection (b), to support a program
21 of the Division of Radiation and Waste Safety of the De-
22 partment of Nuclear Safety of the IAEA to promote the
23 discovery, inventory, and recovery of radioactive sources
24 in member nations of the IAEA.

1 (b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-
2 IZED.—The Secretary is authorized to make voluntary
3 contributions to the IAEA to fund the United States share
4 of the program described in subsection (a).

5 (c) TECHNICAL ASSISTANCE.—The Secretary is au-
6 thorized to provide the IAEA and other countries with
7 technical assistance to carry out the program described
8 in subsection (a).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—Of the amounts authorized
11 to be appropriated under this Act for Nonprolifera-
12 tion, Anti-terrorism, Demining, and Related Pro-
13 grams, there is authorized to be appropriated to the
14 President for fiscal year 2004, \$4,000,000 to carry
15 out this section.

16 (2) AVAILABILITY.—Amounts authorized to be
17 appropriated by paragraph (1) are authorized to re-
18 main available until expended.

19 **SEC. 306. RADIOISOTOPE THERMAL GENERATOR POWER**
20 **UNITS IN THE INDEPENDENT STATES OF THE**
21 **FORMER SOVIET UNION.**

22 (a) SUBSTITUTION WITH OTHER POWER UNITS.—

23 (1) IN GENERAL.—The Secretary is authorized
24 to assist the Government of the Russian Federation
25 to substitute solar (or other non-nuclear) power

1 sources for radioisotope thermal power units oper-
2 ated by the Russian Federation and other inde-
3 pendent states of the former Soviet Union in appli-
4 cations such as lighthouses in the Arctic, remote
5 weather stations, and for providing electricity in re-
6 mote locations.

7 (2) TECHNOLOGY REQUIREMENT.—Any power
8 unit utilized as a substitute power unit under para-
9 graph (1) shall, to the maximum extent practicable,
10 be based upon tested technologies that have operated
11 for at least one full year in the environment where
12 the substitute power unit will be used.

13 (b) CONSULTATION.—The Secretary shall consult
14 with the Secretary of Energy to ensure that substitute
15 power sources provided under this section are for facilities
16 from which the radioisotope thermal generator power units
17 have been or are being removed.

18 (c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—
19 The Secretary may use not more than 20 percent of the
20 funds available under this section in any fiscal year to re-
21 place dangerous radioisotope thermal power facilities that
22 are similar to the facilities described in subsection (a) in
23 countries other than the independent states of the former
24 Soviet Union.

25 (d) FUNDING.—

1 (1) IN GENERAL.—Of the amounts authorized
2 to be appropriated under this Act for Nonprolifera-
3 tion, Anti-terrorism, Demining, and Related Pro-
4 grams, there is authorized to be appropriated to the
5 President for fiscal year 2004, \$5,000,000 to carry
6 out this section.

7 (2) AVAILABILITY OF FUNDS.—Amounts avail-
8 able under paragraph (1) are authorized to remain
9 available until expended.

10 **SEC. 307. FOREIGN FIRST RESPONDERS.**

11 (a) IN GENERAL.—The Secretary is authorized to as-
12 sist foreign countries, or to propose that the IAEA assist
13 foreign countries, in the development of appropriate na-
14 tional response plans and the training of first responders
15 to—

16 (1) detect, identify, and characterize radioactive
17 material;

18 (2) understand the hazards posed by radioactive
19 contamination;

20 (3) understand the risks encountered at various
21 dose rates;

22 (4) enter contaminated areas safely and speed-
23 ily; and

24 (5) evacuate persons within a contaminated
25 area.

1 (b) CONSIDERATIONS.—In carrying out activities
2 under subsection (a), the Secretary shall take into account
3 the findings of the threat assessment report required by
4 section 308 and the location of any storage facilities for
5 radioactive sources under section 304.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—Of the amounts authorized
8 to be appropriated under this Act for Nonprolifera-
9 tion, Anti-terrorism, Demining, and Related Pro-
10 grams, there is authorized to be appropriated to the
11 President for fiscal year 2004, \$2,000,000 to carry
12 out this section.

13 (2) AVAILABILITY.—Amounts authorized to be
14 appropriated by paragraph (1) are authorized to re-
15 main available until expended.

16 **SEC. 308. THREAT ASSESSMENT REPORTS.**

17 (a) REPORTS REQUIRED.—The Secretary shall, at
18 the times specified in subsection (c), submit to the appro-
19 priate congressional committees a report—

20 (1) detailing the preparations made at United
21 States diplomatic missions abroad to detect and
22 mitigate a radiological attack on United States mis-
23 sions and other United States facilities under the
24 control of the Secretary;

1 (2) setting forth a rank-ordered list of the Sec-
2 retary's priorities for improving radiological security
3 and consequence management at United States mis-
4 sions; and

5 (3) providing a rank-ordered list of the missions
6 where such improvement is most important.

7 (b) BUDGET REQUEST.—Each report under sub-
8 section (a) shall also include a proposed budget to carry
9 out the improvements described in subsection (a)(2) under
10 such report.

11 (c) TIMING.—

12 (1) FIRST REPORT.—The first report under
13 subsection (a) shall be submitted not later than 180
14 days after the date of the enactment of this Act.

15 (2) SUBSEQUENT REPORTS.—Subsequent re-
16 ports under subsection (a) shall be submitted with
17 the budget justification materials submitted by the
18 Secretary to Congress in support of the budget of
19 the President for the fiscal year (as submitted under
20 section 1105(a) of title 31, United States Code) for
21 each fiscal year commencing with fiscal year 2006.

22 (d) FORM.—Each report shall be submitted in un-
23 classified form, but may include a classified annex.

1 **TITLE IV—GLOBAL PATHOGEN**
2 **SURVEILLANCE**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Global Pathogen Sur-
5 veillance Act of 2003”.

6 **SEC. 402. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Bioterrorism poses a grave national security
10 threat to the United States. The insidious nature of
11 the threat, the likely delayed recognition in the event
12 of an attack, and the underpreparedness of the do-
13 mestic public health infrastructure may produce cat-
14 astrophic consequences following a biological weap-
15 ons attack upon the United States.

16 (2) A contagious pathogen engineered as a bio-
17 logical weapon and developed, tested, produced, or
18 released in another country can quickly spread to
19 the United States. Given the realities of inter-
20 national travel, trade, and migration patterns, a
21 dangerous pathogen released anywhere in the world
22 can spread to United States territory in a matter of
23 days, before any effective quarantine or isolation
24 measures can be implemented.

1 (3) To effectively combat bioterrorism and en-
2 sure that the United States is fully prepared to pre-
3 vent, diagnose, and contain a biological weapons at-
4 tack, measures to strengthen the domestic public
5 health infrastructure and improve domestic surveil-
6 lance and monitoring, while absolutely essential, are
7 not sufficient.

8 (4) The United States should enhance coopera-
9 tion with the World Health Organization, regional
10 health organizations, and individual countries, in-
11 cluding data sharing with appropriate United States
12 departments and agencies, to help detect and quickly
13 contain infectious disease outbreaks or bioterrorism
14 agents before they can spread.

15 (5) The World Health Organization (WHO) has
16 done an impressive job in monitoring infectious dis-
17 ease outbreaks around the world, including the re-
18 cent emergence of the Severe Acute Respiratory
19 Syndrome (SARS) epidemic, particularly with the
20 establishment in April 2000 of the Global Outbreak
21 Alert and Response network.

22 (6) The capabilities of the World Health Orga-
23 nization are inherently limited by the quality of the
24 data and information it receives from member coun-
25 tries, the narrow range of diseases (plague, cholera,

1 and yellow fever) upon which its disease surveillance
2 and monitoring is based, and the consensus process
3 it uses to add new diseases to the list. Developing
4 countries in particular often cannot devote the nec-
5 essary resources to build and maintain public health
6 infrastructures.

7 (7) In particular, developing countries could
8 benefit from—

9 (A) better trained public health profes-
10 sionals and epidemiologists to recognize disease
11 patterns;

12 (B) appropriate laboratory equipment for
13 diagnosis of pathogens;

14 (C) disease reporting based on symptoms
15 and signs (known as “syndrome surveillance”),
16 affording the earliest possible opportunity to
17 conduct an effective response;

18 (D) a narrowing of the existing technology
19 gap in syndrome surveillance capabilities and
20 real-time information dissemination to public
21 health officials; and

22 (E) appropriate communications equip-
23 ment and information technology to efficiently
24 transmit information and data within national
25 and regional health networks, including inex-

1 pensive, Internet-based Geographic Information
2 Systems (GIS) and relevant telephone-based
3 systems for early recognition and diagnosis of
4 diseases.

5 (8) An effective international capability to mon-
6 itor and quickly diagnose infectious disease out-
7 breaks will offer dividends not only in the event of
8 biological weapons development, testing, production,
9 and attack, but also in the more likely cases of natu-
10 rally occurring infectious disease outbreaks that
11 could threaten the United States. Furthermore, a
12 robust surveillance system will serve to deter ter-
13 rorist use of biological weapons, as early detection
14 will help mitigate the intended effects of such malev-
15 olent uses.

16 (b) PURPOSE.—The purposes of this title are as fol-
17 lows:

18 (1) To enhance the capability and cooperation
19 of the international community, including the World
20 Health Organization and individual countries,
21 through enhanced pathogen surveillance and appro-
22 priate data sharing, to detect, identify, and contain
23 infectious disease outbreaks, whether the cause of
24 those outbreaks is intentional human action or nat-
25 ural in origin.

1 (2) To enhance the training of public health
2 professionals and epidemiologists from eligible devel-
3 oping countries in advanced Internet-based and
4 other electronic syndrome surveillance systems, in
5 addition to traditional epidemiology methods, so that
6 they may better detect, diagnose, and contain infec-
7 tious disease outbreaks, especially those due to
8 pathogens most likely to be used in a biological
9 weapons attack.

10 (3) To provide assistance to developing coun-
11 tries to purchase appropriate public health labora-
12 tory equipment necessary for infectious disease sur-
13 veillance and diagnosis.

14 (4) To provide assistance to developing coun-
15 tries to purchase appropriate communications equip-
16 ment and information technology, including, as ap-
17 propriate, relevant computer equipment, Internet
18 connectivity mechanisms, and telephone-based appli-
19 cations to effectively gather, analyze, and transmit
20 public health information for infectious disease sur-
21 veillance and diagnosis.

22 (5) To make available greater numbers of
23 United States Government public health profes-
24 sionals to international health organizations, re-

1 regional health networks, and United States diplo-
2 matic missions where appropriate.

3 (6) To establish “lab-to-lab” cooperative rela-
4 tionships between United States public health lab-
5 oratories and established foreign counterparts.

6 (7) To expand the training and outreach activi-
7 ties of overseas United States laboratories, including
8 Centers for Disease Control and Prevention and De-
9 partment of Defense entities, to enhance the disease
10 surveillance capabilities of developing countries.

11 (8) To provide appropriate technical assistance
12 to existing regional health networks and, where ap-
13 propriate, seed money for new regional networks.

14 **SEC. 403. DEFINITIONS.**

15 In this title:

16 (1) **BIOLOGICAL WEAPONS CONVENTION.**—The
17 term “Biological Weapons Convention” means the
18 Convention on the Prohibition of the Development,
19 Production and Stockpiling of Bacteriological (Bio-
20 logical) and Toxin Weapons and on Their Destruc-
21 tion, signed at Washington, London, and Moscow
22 April 10, 1972.

23 (2) **ELIGIBLE DEVELOPING COUNTRY.**—The
24 term “eligible developing country” means any devel-
25 oping country that—

1 (A) has agreed to the objective of fully
2 complying with requirements of the World
3 Health Organization on reporting public health
4 information on outbreaks of infectious diseases;

5 (B) has not been determined by the Sec-
6 retary, for purposes of section 40 of the Arms
7 Export Control Act (22 U.S.C. 2780), section
8 620A of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2371), or section 6(j) of the Export
10 Administration Act of 1979 (50 U.S.C. App.
11 2405), to have repeatedly provided support for
12 acts of international terrorism, unless the Sec-
13 retary exercises a waiver certifying that it is in
14 the national interest of the United States to
15 provide assistance under the provisions of this
16 title; and

17 (C) is a state party to the Biological
18 Weapons Convention.

19 (3) ELIGIBLE NATIONAL.—The term “eligible
20 national” means any citizen or national of an eligible
21 developing country who is eligible to receive a visa
22 under the provisions of the Immigration and Nation-
23 ality Act (8 U.S.C. 1101 et seq.).

24 (4) INTERNATIONAL HEALTH ORGANIZATION.—
25 The term “international health organization” in-

1 includes the World Health Organization and the Pan
2 American Health Organization.

3 (5) LABORATORY.—The term “laboratory”
4 means a facility for the biological, microbiological,
5 serological, chemical, immuno-hematological,
6 hematological, biophysical, cytological, pathological,
7 or other examination of materials derived from the
8 human body for the purpose of providing informa-
9 tion for the diagnosis, prevention, or treatment of
10 any disease or impairment of, or the assessment of
11 the health of, human beings.

12 (6) SECRETARY.—Unless otherwise provided,
13 the term “Secretary” means the Secretary of State.

14 (7) SELECT AGENT.—The term “select agent”
15 has the meaning given such term for purposes of
16 section 72.6 of title 42, Code of Federal Regula-
17 tions.

18 (8) SYNDROME SURVEILLANCE.—The term
19 “syndrome surveillance” means the recording of
20 symptoms (patient complaints) and signs (derived
21 from physical examination) combined with simple ge-
22 ographic locators to track the emergence of a disease
23 in a population.

1 **SEC. 404. PRIORITY FOR CERTAIN COUNTRIES.**

2 Priority in the provision of United States assistance
3 for eligible developing countries under all the provisions
4 of this title shall be given to those countries that permit
5 personnel from the World Health Organization and the
6 Centers for Disease Control and Prevention to investigate
7 outbreaks of infectious diseases on their territories, pro-
8 vide early notification of disease outbreaks, and provide
9 pathogen surveillance data to appropriate United States
10 departments and agencies in addition to international
11 health organizations.

12 **SEC. 405. RESTRICTION.**

13 Notwithstanding any other provision of this title, no
14 foreign nationals participating in programs authorized
15 under this title shall have access, during the course of such
16 participation, to select agents that may be used as, or in,
17 a biological weapon, except in a supervised and controlled
18 setting.

19 **SEC. 406. FELLOWSHIP PROGRAM.**

20 (a) ESTABLISHMENT.—There is established a fellow-
21 ship program (in this section referred to as the “pro-
22 gram”) under which the Secretary, in consultation with
23 the Secretary of Health and Human Services and subject
24 to the availability of appropriations, shall award fellow-
25 ships to eligible nationals to pursue public health edu-
26 cation or training, as follows:

1 (1) MASTER OF PUBLIC HEALTH DEGREE.—
2 Graduate courses of study leading to a master of
3 public health degree with a concentration in epidemi-
4 ology from an institution of higher education in the
5 United States with a Center for Public Health Pre-
6 paredness, as determined by the Centers for Disease
7 Control and Prevention.

8 (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY
9 TRAINING.—Advanced public health training in epi-
10 demiology to be carried out at the Centers for Dis-
11 ease Control and Prevention (or equivalent State fa-
12 cility), or other Federal facility (excluding the De-
13 partment of Defense or United States National Lab-
14 oratories), for a period of not less than 6 months or
15 more than 12 months.

16 (b) SPECIALIZATION IN BIOTERRORISM.—In addition
17 to the education or training specified in subsection (a),
18 each recipient of a fellowship under this section (in this
19 section referred to as a “fellow”) may take courses of
20 study at the Centers for Disease Control and Prevention
21 or at an equivalent facility on diagnosis and containment
22 of likely bioterrorism agents.

23 (c) FELLOWSHIP AGREEMENT.—

24 (1) IN GENERAL.—In awarding a fellowship
25 under the program, the Secretary, in consultation

1 with the Secretary of Health and Human Services,
2 shall require the recipient to enter into an agree-
3 ment under which, in exchange for such assistance,
4 the recipient—

5 (A) will maintain satisfactory academic
6 progress (as determined in accordance with reg-
7 ulations issued by the Secretary and confirmed
8 in regularly scheduled updates to the Secretary
9 from the institution providing the education or
10 training on the progress of the recipient’s edu-
11 cation or training);

12 (B) will, upon completion of such edu-
13 cation or training, return to the recipient’s
14 country of nationality or last habitual residence
15 (so long as it is an eligible developing country)
16 and complete at least four years of employment
17 in a public health position in the government or
18 a nongovernmental, not-for-profit entity in that
19 country or, with the approval of the Secretary,
20 complete part or all of this requirement through
21 service with an international health organiza-
22 tion without geographic restriction; and

23 (C) agrees that, if the recipient is unable
24 to meet the requirements described in subpara-
25 graph (A) or (B), the recipient will reimburse

1 the United States for the value of the assist-
2 ance provided to the recipient under the fellow-
3 ship, together with interest at a rate deter-
4 mined in accordance with regulations issued by
5 the Secretary but not higher than the rate gen-
6 erally applied in connection with other Federal
7 loans.

8 (2) WAIVERS.—The Secretary may waive the
9 application of paragraph (1)(B) and (1)(C) if the
10 Secretary determines that it is in the national inter-
11 est of the United States to do so.

12 (d) IMPLEMENTATION.—The Secretary, in consulta-
13 tion with the Secretary of Health and Human Services,
14 is authorized to enter into an agreement with any eligible
15 developing country under which the country agrees—

16 (1) to establish a procedure for the nomination
17 of eligible nationals for fellowships under this sec-
18 tion;

19 (2) to guarantee that a fellow will be offered a
20 professional public health position within the country
21 upon completion of his studies; and

22 (3) to certify to the Secretary when a fellow has
23 concluded the minimum period of employment in a
24 public health position required by the fellowship

1 agreement, with an explanation of how the require-
2 ment was met.

3 (e) PARTICIPATION OF UNITED STATES CITIZENS.—

4 On a case-by-case basis, the Secretary may provide for the
5 participation of United States citizens under the provi-
6 sions of this section if the Secretary determines that it
7 is in the national interest of the United States to do so.
8 Upon completion of such education or training, a United
9 States recipient shall complete at least 5 years of employ-
10 ment in a public health position in an eligible developing
11 country or an international health organization.

12 **SEC. 407. IN-COUNTRY TRAINING IN LABORATORY TECH-**
13 **NIQUES AND SYNDROME SURVEILLANCE.**

14 (a) IN GENERAL.—In conjunction with the Centers
15 for Disease Control and Prevention and the Department
16 of Defense, the Secretary shall, subject to the availability
17 of appropriations, support short training courses in-coun-
18 try (not in the United States) for laboratory technicians
19 and other public health personnel from eligible developing
20 countries in laboratory techniques relating to the identi-
21 fication, diagnosis, and tracking of pathogens responsible
22 for possible infectious disease outbreaks. Training under
23 this section may be conducted in overseas facilities of the
24 Centers for Disease Control and Prevention or in Overseas
25 Medical Research Units of the Department of Defense, as

1 appropriate. The Secretary shall coordinate such training
2 courses, where appropriate, with the existing programs
3 and activities of the World Health Organization.

4 (b) TRAINING IN SYNDROME SURVEILLANCE.—In
5 conjunction with the Centers for Disease Control and Pre-
6 vention and the Department of Defense, the Secretary
7 shall, subject to the availability of appropriations, estab-
8 lish and support short training courses in-country (not in
9 the United States) for public health personnel from eligi-
10 ble developing countries in techniques of syndrome surveil-
11 lance reporting and rapid analysis of syndrome informa-
12 tion using Geographic Information System (GIS) and
13 other Internet-based tools. Training under this subsection
14 may be conducted via the Internet or in appropriate facili-
15 ties as determined by the Secretary. The Secretary shall
16 coordinate such training courses, where appropriate, with
17 the existing programs and activities of the World Health
18 Organization.

19 **SEC. 408. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY**
20 **EQUIPMENT.**

22 (a) AUTHORIZATION.—The President is authorized,
23 on such terms and conditions as the President may deter-
24 mine, to furnish assistance to eligible developing countries

1 to purchase and maintain public health laboratory equip-
2 ment described in subsection (b).

3 (b) EQUIPMENT COVERED.—Equipment described in
4 this subsection is equipment that is—

5 (1) appropriate, where possible, for use in the
6 intended geographic area;

7 (2) necessary to collect, analyze, and identify
8 expeditiously a broad array of pathogens, including
9 mutant strains, which may cause disease outbreaks
10 or may be used as a biological weapon;

11 (3) compatible with general standards set forth,
12 as appropriate, by the World Health Organization
13 and the Centers for Disease Control and Prevention,
14 to ensure interoperability with regional and inter-
15 national public health networks; and

16 (4) not defense articles or defense services as
17 those terms are defined under section 47 of the
18 Arms Export Control Act (22 U.S.C. 2794).

19 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to exempt the exporting of goods
21 and technology from compliance with applicable provisions
22 of the Export Administration Act of 1979 (50 U.S.C. App.
23 2401 et seq.) (or successor statutes).

24 (d) LIMITATION.—Amounts appropriated to carry
25 out this section shall not be made available for the pur-

1 chase from a foreign country of equipment that, if made
2 in the United States, would be subject to the Arms Export
3 Control Act (22 U.S.C. 2751 et seq.) or likely be barred
4 or subject to special conditions under the Export Adminis-
5 tration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or
6 successor statutes).

7 (e) **HOST COUNTRY'S COMMITMENTS.**—The assist-
8 ance provided under this section shall be contingent upon
9 the host country's commitment to provide the resources,
10 infrastructure, and other assets required to house, main-
11 tain, support, secure, and maximize use of this equipment
12 and appropriate technical personnel.

13 **SEC. 409. ASSISTANCE FOR IMPROVED COMMUNICATION**
14 **OF PUBLIC HEALTH INFORMATION.**

15 (a) **ASSISTANCE FOR PURCHASE OF COMMUNICATION**
16 **EQUIPMENT AND INFORMATION TECHNOLOGY.**—The
17 President is authorized to provide, on such terms and con-
18 ditions as the President may determine, assistance to eligi-
19 ble developing countries for the purchase and maintenance
20 of communications equipment and information technology
21 described in subsection (b), and supporting equipment,
22 necessary to effectively collect, analyze, and transmit pub-
23 lic health information.

1 (b) COVERED EQUIPMENT.—Equipment (and infor-
2 mation technology) described in this subsection is equip-
3 ment that—

4 (1) is suitable for use under the particular con-
5 ditions of the area of intended use;

6 (2) meets appropriate World Health Organiza-
7 tion standards to ensure interoperability with like
8 equipment of other countries and international
9 health organizations; and

10 (3) is not defense articles or defense services as
11 those terms are defined under section 47 of the
12 Arms Export Control Act (22 U.S.C. 2794).

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to exempt the exporting of goods
15 and technology from compliance with applicable provisions
16 of the Export Administration Act of 1979 (50 U.S.C. App.
17 2401 et seq.) (or successor statutes).

18 (d) LIMITATION.—Amounts appropriated to carry
19 out this section shall not be made available for the pur-
20 chase from a foreign country of equipment that, if made
21 in the United States, would be subject to the Arms Export
22 Control Act or likely be barred or subject to special condi-
23 tions under the Export Administration Act of 1979 (50
24 U.S.C. App. 2401 et seq.) (or successor statutes).

1 (e) ASSISTANCE FOR STANDARDIZATION OF REPORT-
2 ING.—The President is authorized to provide, on such
3 terms and conditions as the President may determine,
4 technical assistance and grant assistance to international
5 health organizations to facilitate standardization in the re-
6 porting of public health information between and among
7 developing countries and international health organiza-
8 tions.

9 (f) HOST COUNTRY'S COMMITMENTS.—The assist-
10 ance provided under this section shall be contingent upon
11 the host country's commitment to provide the resources,
12 infrastructure, and other assets required to house, sup-
13 port, maintain, secure, and maximize use of this equip-
14 ment and appropriate technical personnel.

15 **SEC. 410. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**
16 **UNITED STATES MISSIONS AND INTER-**
17 **NATIONAL ORGANIZATIONS.**

18 (a) IN GENERAL.—Upon the request of a United
19 States chief of diplomatic mission or an international
20 health organization, and with the concurrence of the Sec-
21 retary of State, the head of a Federal agency may assign
22 to the respective United States mission or organization
23 any officer or employee of the agency occupying a public
24 health position within the agency for the purpose of en-

1 hancing disease and pathogen surveillance efforts in devel-
2 oping countries.

3 (b) REIMBURSEMENT.—The costs incurred by a Fed-
4 eral agency by reason of the detail of personnel under sub-
5 section (a) may be reimbursed to that agency out of the
6 applicable appropriations account of the Department of
7 State if the Secretary determines that the relevant agency
8 may otherwise be unable to assign such personnel on a
9 non-reimbursable basis.

10 **SEC. 411. EXPANSION OF CERTAIN UNITED STATES GOV-**
11 **ERNMENT LABORATORIES ABROAD.**

12 (a) IN GENERAL.—Subject to the availability of ap-
13 propriations, the Centers for Disease Control and Preven-
14 tion and the Department of Defense shall each—

15 (1) increase the number of personnel assigned
16 to laboratories of the Centers or the Department, as
17 appropriate, located in eligible developing countries
18 that conduct research and other activities with re-
19 spect to infectious diseases; and

20 (2) expand the operations of those laboratories,
21 especially with respect to the implementation of on-
22 site training of foreign nationals and regional out-
23 reach efforts involving neighboring countries.

24 (b) COOPERATION AND COORDINATION BETWEEN
25 LABORATORIES.—Subsection (a) shall be carried out in

1 such a manner as to foster cooperation and avoid duplica-
2 tion between and among laboratories.

3 (c) RELATION TO CORE MISSIONS AND SECURITY.—

4 The expansion of the operations of overseas laboratories
5 of the Centers or the Department under this section shall
6 not—

7 (1) detract from the established core missions
8 of the laboratories; or

9 (2) compromise the security of those labora-
10 tories, as well as their research, equipment, exper-
11 tise, and materials.

12 **SEC. 412. ASSISTANCE FOR REGIONAL HEALTH NETWORKS**
13 **AND EXPANSION OF FOREIGN EPIDEMI-**
14 **LOGY TRAINING PROGRAMS.**

15 (a) AUTHORITY.—The President is authorized, on
16 such terms and conditions as the President may deter-
17 mine, to provide assistance for the purposes of—

18 (1) enhancing the surveillance and reporting ca-
19 pabilities of the World Health Organization and ex-
20 isting regional health networks; and

21 (2) developing new regional health networks.

22 (b) EXPANSION OF FOREIGN EPIDEMIOLOGY TRAIN-
23 ING PROGRAMS.—The Secretary of Health and Human
24 Services is authorized to establish new country or regional

1 Foreign Epidemiology Training Programs in eligible devel-
2 oping countries.

3 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—Of the amounts authorized
6 to be appropriated under this Act for Nonprolifera-
7 tion, Anti-terrorism, Demining and Related Pro-
8 grams, there is authorized to be appropriated
9 \$35,000,000 for the fiscal year 2004 to carry out
10 this title.

11 (2) ALLOCATION OF FUNDS.—Of the amounts
12 made available under paragraph (1)—

13 (A) \$25,000,000 for the fiscal year 2004 is
14 authorized to be available to carry out sections
15 406, 407, 408, and 409;

16 (B) \$500,000 for the fiscal year 2004 is
17 authorized to be available to carry out section
18 410;

19 (C) \$2,500,000 for the fiscal year 2004 is
20 authorized to be available to carry out section
21 411; and

22 (D) \$7,000,000 for the fiscal year 2004 is
23 authorized to be available to carry out section
24 412.

1 (b) AVAILABILITY OF FUNDS.—The amount appro-
 2 priated pursuant to subsection (a) is authorized to remain
 3 available until expended.

4 (c) REPORTING REQUIREMENT.—Not later than 90
 5 days after the date of enactment of this title, the Secretary
 6 shall submit a report, in conjunction with the Secretary
 7 of Health and Human Services and the Secretary of De-
 8 fense, containing—

9 (1) a description of the implementation of pro-
 10 grams under this title; and

11 (2) an estimate of the level of funding required
 12 to carry out those programs at a sufficient level.

13 **TITLE V—MISCELLANEOUS**
 14 **PROVISIONS**

15 **Subtitle A—Elimination and Modi-**
 16 **fication of Certain Reporting**
 17 **Requirements**

18 **SEC. 501. ANNUAL REPORT ON TERRITORIAL INTEGRITY.**

19 Section 560 of the Foreign Operations, Export Fi-
 20 nancing, and Related Programs Appropriations Act, 1994
 21 (titles I through V of Public Law 103–87; 107 Stat. 966)
 22 is amended by striking subsection (g).

23 **SEC. 502. ANNUAL REPORTS ON ACTIVITIES IN COLOMBIA.**

24 Section 694 of the Foreign Relations Authorization
 25 Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat.

1 1415; 22 U.S.C. 2291 note) is amended by adding at the
2 end the following:

3 “(c) REPORT CONSOLIDATION.—The Secretary may
4 satisfy the annual reporting requirements of this section
5 by incorporating the required information with the annual
6 report submitted pursuant to section 489(a) of the For-
7 eign Assistance Act of 1961 (22 U.S.C. 2291h(a)).”.

8 **SEC. 503. ANNUAL REPORT ON FOREIGN MILITARY TRAIN-**
9 **ING.**

10 Subsection (a)(1) of section 656 of the Foreign As-
11 sistance Act of 1961 (22 U.S.C. 2416) is amended by
12 striking “January 31” and inserting “March 1”.

13 **SEC. 504. REPORT ON HUMAN RIGHTS IN HAITI.**

14 Section 616(c) of the Departments of Commerce,
15 Justice, and State, the Judiciary, and Related Agencies
16 Appropriations Act, 1999 (section 101(b) of division A of
17 Public Law 105–277; 112 Stat. 2681–114), is amended—

18 (1) in paragraph (2), by striking “not later
19 than 3 months after the date of enactment of this
20 Act” and inserting “as part of the annual report
21 submitted under paragraph (4) of this subsection”;
22 and

23 (2) in paragraph (3), by inserting “, as part of
24 the annual report submitted under paragraph (4) of

1 this subsection,” after “the appropriate congress-
2 sional committees”.

3 **Subtitle B—Other Matters**

4 **SEC. 511. CERTAIN CLAIMS FOR EXPROPRIATION BY THE** 5 **GOVERNMENT OF NICARAGUA.**

6 Section 527 of the Foreign Relations Authorization
7 Act, Fiscal Years 1994 and 1995 (Public Law 103–236;
8 108 Stat. 475; 22 U.S.C. 2370a) is amended by adding
9 at the end the following new subsection:

10 “(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE
11 GOVERNMENT OF NICARAGUA.—

12 “(1) MATTERS NOT TO BE CONSIDERED.—Any
13 action described in subsection (a)(1) that was taken
14 by the Government of Nicaragua during the period
15 beginning on January 1, 1956, and ending on Janu-
16 ary 9, 2002, may not be considered in implementing
17 the prohibition under subsection (a) unless the ac-
18 tion has been presented in accordance with the pro-
19 cedure set forth in paragraph (2).

20 “(2) ACTIONS PRESENTED.—An action shall be
21 deemed presented for purposes of paragraph (1) if,
22 not later than 120 days after the date prescribed
23 under paragraph (3), a written description of the ac-
24 tion is—

1 “(A) submitted to the Secretary of State
2 by a United States person; and

3 “(B) received by the Department of State
4 at—

5 “(i) the headquarters of the Depart-
6 ment of State in Washington, District of
7 Columbia; or

8 “(ii) the Embassy of the United
9 States of America to Nicaragua.

10 “(3) TIME FOR PRESENTATION.—The Secretary
11 of State shall prescribe the date on which the pres-
12 entation deadline is based for the purposes of para-
13 graph (2) and shall publish a notice of such date in
14 the Federal Register. The prescribed date may be
15 any date selected by the Secretary in the Secretary’s
16 sole discretion, except that such date may not be the
17 date on which this subsection takes effect or any
18 date before such effective date.”.

19 **SEC. 512. AMENDMENTS TO THE ARMS CONTROL AND DIS-**
20 **ARMAMENT ACT.**

21 (a) VERIFICATION OF COMPLIANCE.—Section 306(a)
22 of the Arms Control and Disarmament Act (22 U.S.C.
23 2577(a)) is amended by inserting “or other formal com-
24 mitment” after “agreement” each place it appears in
25 paragraphs (1) and (2).

1 (b) ANNUAL REPORTS TO CONGRESS.—

2 (1) REQUIREMENT FOR REPORTS.—Section 403
3 of the Arms Control and Disarmament Act (22
4 U.S.C. 2593a) is amended to read as follows:

5 “SEC. 403. (a) REPORT ON OBJECTIVES AND NEGO-
6 TIATIONS.—Not later than April 15 of each year, the
7 President shall submit to the Speaker of the House of
8 Representatives and to the Chairman of the Committee
9 on Foreign Relations of the Senate a report prepared by
10 the Secretary of State in consultation with the Secretary
11 of Defense, the Secretary of Energy, the Director of Cen-
12 tral Intelligence, and the Chairman of the Joint Chiefs
13 of Staff on the status of United States policy and actions
14 with respect to arms control, nonproliferation, and disar-
15 mament. Such report shall include—

16 “(1) a detailed statement concerning the arms
17 control, nonproliferation, and disarmament objec-
18 tives of the executive branch of Government for the
19 forthcoming year; and

20 “(2) a detailed assessment of the status of any
21 ongoing arms control, nonproliferation, or disar-
22 mament negotiations, including a comprehensive de-
23 scription of negotiations or other activities during
24 the preceding year and an appraisal of the status
25 and prospects for the forthcoming year.

1 “(b) REPORT ON COMPLIANCE.—Not later than April
2 15 of each year, the President shall submit to the Speaker
3 of the House of Representatives and to the Chairman of
4 the Committee on Foreign Relations of the Senate a re-
5 port prepared by the Secretary of State with the concur-
6 rence of the Director of Central Intelligence and in con-
7 sultation with the Secretary of Defense, the Secretary of
8 Energy, and the Chairman of the Joint Chiefs of Staff
9 on the status of United States policy and actions with re-
10 spect to arms control, nonproliferation, and disarmament
11 compliance. Such report shall include—

12 “(1) a detailed assessment of adherence of the
13 United States to obligations undertaken in arms
14 control, nonproliferation, and disarmament agree-
15 ments, including information on the policies and or-
16 ganization of each relevant agency or department of
17 the United States to ensure adherence to such obli-
18 gations, a description of national security programs
19 with a direct bearing on questions of adherence to
20 such obligations and of steps being taken to ensure
21 adherence, and a compilation of any substantive
22 questions raised during the preceding year and any
23 corrective action taken;

24 “(2) a detailed assessment of the adherence of
25 other nations to obligations undertaken in all arms

1 control, nonproliferation, and disarmament agree-
2 ments or commitments, including the Missile Tech-
3 nology Control Regime, to which the United States
4 is a participating state, including information on ac-
5 tions taken by each nation with regard to the size,
6 structure, and disposition of its military forces in
7 order to comply with arms control, nonproliferation,
8 or disarmament agreements or commitments, and
9 shall include, in the case of each agreement or com-
10 mitment about which compliance questions exist—

11 “(A) a description of each significant issue
12 raised and efforts made and contemplated with
13 the other participating state to seek resolution
14 of the difficulty;

15 “(B) an assessment of damage, if any, to
16 the United States security and other interests;

17 “(C) recommendations as to any steps that
18 should be considered to redress any damage to
19 United States national security and to reduce
20 compliance problems; and

21 “(D) for states that are not parties to such
22 agreements or commitments, a description of
23 activities of concern carried out by such states
24 and efforts underway to bring such states into

1 adherence with such agreements or commit-
2 ments;

3 “(3) a discussion of any material noncompliance
4 by foreign governments with their binding commit-
5 ments to the United States with respect to the pre-
6 vention of the spread of nuclear explosive devices (as
7 defined in section 830(4) of the Nuclear Prolifera-
8 tion Prevention Act of 1994 (22 U.S.C. 6305(4)) by
9 non-nuclear-weapon states (as defined in section
10 830(5) of that Act (22 U.S.C. 6305(5)) or the ac-
11 quisition by such states of unsafeguarded special nu-
12 clear material (as defined in section 830(8) of that
13 Act (22 U.S.C. 6305(8)), including—

14 “(A) a net assessment of the aggregate
15 military significance of all such violations;

16 “(B) a statement of the compliance policy
17 of the United States with respect to violations
18 of those commitments; and

19 “(C) what actions, if any, the President
20 has taken or proposes to take to bring any na-
21 tion committing such a violation into compli-
22 ance with those commitments; and

23 “(4) a specific identification, to the maximum
24 extent practicable in unclassified form, of each and
25 every question that exists with respect to compliance

1 by other countries with arms control, nonprolifera-
2 tion, and disarmament agreements and other formal
3 commitments with the United States.

4 “(c) CHEMICAL WEAPONS CONVENTION COMPLI-
5 ANCE REPORT REQUIREMENT SATISFIED.—The report
6 submitted pursuant to subsection (b) shall include the in-
7 formation necessary to satisfy Condition 10(C) of the reso-
8 lution of advice and consent to the Convention on the Pro-
9 hibition of Development, Production, Stockpiling and Use
10 of Chemical Weapons and on Their Destruction, with an-
11 nexes, done at Paris, January 13, 1993, and entered into
12 force April 29, 1997 (T. Doc. 103–21), approved by the
13 Senate on April 24, 1997.

14 “(d) CLASSIFICATION OF REPORT.—The reports re-
15 quired by this section shall be submitted in unclassified
16 form, with classified annexes, as appropriate. The report
17 portions described in paragraphs (2) and (3) of subsection
18 (b) shall summarize in detail, at least in classified an-
19 nexes, the information, analysis, and conclusions relevant
20 to possible noncompliance by other nations that are pro-
21 vided by United States intelligence agencies.

22 “(e) REPORTING CONSECUTIVE NONCOMPLIANCE.—
23 If the President in consecutive reports submitted to the
24 Congress under subsection (b) reports that any nation is
25 not in full compliance with its binding nonproliferation

1 commitments to the United States, then the President
2 shall include in the second such report an assessment of
3 what actions are necessary to compensate for such viola-
4 tions.

5 “(f) **ADDITIONAL REQUIREMENT.**—Each report re-
6 quired by subsection (b) shall include a discussion of each
7 significant issue described in subsection (b)(4) that was
8 contained in a previous report issued under this section
9 during 1995, or after December 31, 1995, until the ques-
10 tion or concern has been resolved and such resolution has
11 been reported in detail to the Committee on Foreign Rela-
12 tions and the Select Committee on Intelligence of the Sen-
13 ate and the Committee on International Relations and the
14 Permanent Select Committee on Intelligence of the House
15 of Representatives.”.

16 (2) **CONFORMING AMENDMENT.**—The heading
17 of such section is amended to read as follows:

18 “ANNUAL REPORTS TO CONGRESS”.

19 **SEC. 513. SUPPORT FOR SIERRA LEONE.**

20 (a) **FINDINGS.**—Congress makes the following find-
21 ings:

22 (1) As of January 1, 2003, the United States
23 had provided a total of \$516,000,000 to the United
24 Nations Mission in Sierra Leone and to Operation
25 Focus Relief for the purpose of bringing peace and
26 stability to Sierra Leone.

1 (2) In fiscal year 2003, Congress appropriated
2 \$144,850,000 to support the United Nations Mis-
3 sion in Sierra Leone, and the President has re-
4 quested \$84,000,000 for fiscal year 2004 to support
5 such Mission.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the considerable United States investment in
8 stability in Sierra Leone should be secured through appro-
9 priate support for activities aimed at enhancing Sierra
10 Leone’s long-term prospect for peaceful development.

11 (c) REPORT.—

12 (1) IN GENERAL.—Not later than 6 months
13 after the date of enactment of this Act, the Adminis-
14 trator of the United States Agency for International
15 Development shall submit a report to the appro-
16 priate congressional committees on the feasibility of
17 establishing a United States mission in Sierra
18 Leone.

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means the
22 Committee on Foreign Relations of the Senate and
23 the Committee on International Relations of the
24 House of Representatives.

1 (d) AVAILABILITY OF FUNDS.—Of the amounts made
2 available under chapter 1 of part I of the Foreign Assist-
3 ance Act of 1961 (22 U.S.C. 2151 et seq.) or chapter 4
4 of part II of such Act (22 U.S.C. 2346 et seq.), up to
5 \$15,000,000 may be made available in fiscal year 2004
6 to support in Sierra Leone programs—

7 (1) to increase access to primary and secondary
8 education in rural areas;

9 (2) designed to alleviate poverty; and

10 (3) to eliminate government corruption.

11 **SEC. 514. SUPPORT FOR INDEPENDENT MEDIA IN ETHI-**
12 **OPIA.**

13 Of the amounts made available under chapter 1 of
14 part I of the Foreign Assistance Act of 1961 (22 U.S.C.
15 2151 et seq.), such sums as are necessary may be made
16 available in fiscal year 2004 to support independent media
17 in Ethiopia, including providing support to—

18 (1) strengthen the capacity of journalists; and

19 (2) increase access to printing facilities by indi-
20 viduals who work in the print media.

21 **SEC. 515. SUPPORT FOR SOMALIA.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the United States should work—

1 (A) to support efforts to strengthen state
2 capacity in Somalia;

3 (B) to curtail opportunities for terrorists
4 and other international criminals in Somalia;

5 (C) to engage sectors of Somali society
6 that are working to improve the conditions of
7 the Somali people; and

8 (D) to provide alternatives to extremist in-
9 fluences in Somalia by vigorously pursuing
10 small-scale human development initiatives; and

11 (2) supporting stability in Somalia is in the na-
12 tional interest of the United States.

13 (b) REPORT.—

14 (1) REQUIREMENT.—Not later than 6 months
15 after the date of enactment of this Act, the Sec-
16 retary of State shall report to the Committee on
17 Foreign Relations of the Senate on the strategy for
18 engaging with pockets of competence within the bor-
19 ders of Somalia to both strengthen local capacity
20 and to establish incentives for other communities to
21 seek stability.

22 (2) CONTENT.—The report shall—

23 (A) outline a multi-year strategy for in-
24 creasing—

1 (i) access to primary and secondary
2 education and basic health care services,
3 including projected staffing and resource
4 needs in light of Somalia's current capac-
5 ity;

6 (ii) support for the efforts underway
7 to establish clear systems for effective reg-
8 ulation and monitoring of Somali remit-
9 tance companies; and

10 (iii) support initiatives to rehabilitate
11 Somalia's livestock export sector; and

12 (B) evaluate the feasibility of using the
13 Ambassador's Fund for Cultural Preservation
14 to support Somalia's cultural heritage, includ-
15 ing the oral traditions of the Somali people.

16 **SEC. 516. SUPPORT FOR CENTRAL AFRICAN STATES.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) In recent years, the Central African States
20 of Burundi, the Democratic Republic of the Congo,
21 Rwanda, and Uganda have all been involved in over-
22 lapping conflicts that have destabilized the region
23 and contributed to the deaths of millions of civilians.

24 (2) The Department of State's 2002 Country
25 Report on Human Rights Practices in Burundi

1 states that, “impunity for those who committed seri-
2 ous human rights violations, and the continuing lack
3 of accountability for those who committed past
4 abuses, remained key factors in the country’s con-
5 tinuing instability.”

6 (3) The Department of State’s 2002 Country
7 Report on Human Rights Practices in the Demo-
8 cratic Republic of the Congo states that, “the judici-
9 ary continued to be underfunded, inefficient, and
10 corrupt. It largely was ineffective as a deterrent to
11 human rights abuses or as a corrective force.”

12 (4) The Department of State’s 2002 Country
13 Report on Human Rights Practices in Rwanda
14 states that “there were credible reports that Rwan-
15 dan Defense Force units operating in the [Demo-
16 cratic Republic of the Congo] committed deliberate
17 unlawful killings and other serious abuses, and im-
18 punity remained a problem,” and that “the Govern-
19 ment continued to conduct genocide trials at a slow
20 pace.”

21 (5) The Department of State’s 2002 Country
22 Report on Human Rights Practices in Uganda
23 states that “security forces used excessive force, at
24 times resulting in death, and committed or failed to
25 prevent extrajudicial killings of suspected rebels and

1 civilians. The Government enacted measures to im-
2 prove the discipline and training of security forces
3 and punished some security force officials who were
4 guilty of abuses; however, abuses by the security
5 forces remained a problem.”

6 (6) Ongoing human rights abuses in the Demo-
7 cratic Republic of the Congo, including ethnically-
8 based conflict in Ituri province, threaten the integ-
9 rity and viability of the Congolese peace process.

10 (b) STATEMENT OF POLICY.—It is the policy of the
11 United States Government to support—

12 (1) efforts aimed at accounting for the grave
13 human rights abuses and crimes against humanity
14 that have taken place throughout the central African
15 region since 1993;

16 (2) programs to encourage reconciliation in
17 communities affected by such crimes; and

18 (3) efforts aimed at preventing such crimes in
19 the future.

20 (c) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, the Secretary of State shall sub-
22 mit to the appropriate congressional committees a report
23 on the actions taken by the United States Government to
24 implement the policy set out in subsection (b).

1 (d) AUTHORIZATION.—Of the amounts made avail-
2 able under chapter 4 of part II of the Foreign Assistance
3 Act of 1961 (22 U.S.C. 2346 et seq.), up to \$12,000,000
4 may be made available for fiscal year 2004 to support the
5 development of responsible justice and reconciliation
6 mechanisms in the Democratic Republic of the Congo,
7 Rwanda, Burundi, and Uganda, including programs to in-
8 crease awareness of gender-based violence and to improve
9 local capacity to prevent and respond to such violence.

10 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
11 FINED.—In this section, the term “appropriate congres-
12 sional committees” means the Committee on Foreign Re-
13 lations of the Senate and the Committee on International
14 Relations of the House of Representatives.

15 **SEC. 517. AFRICAN CONTINGENCY OPERATIONS TRAINING**
16 **AND ASSISTANCE PROGRAM.**

17 (a) AVAILABILITY OF FUNDS.—Of the amounts made
18 available under chapter 6 of part II of the Foreign Assist-
19 ance Act of 1961 (22 U.S.C 2348 et seq.), \$15,000,000
20 may be made available in fiscal year 2004 to support the
21 African Contingency Operations Training and Assistance
22 program (in this section referred to as “ACOTA”) to en-
23 hance the capacity of African militaries to participate in
24 peace support operations.

25 (b) ELIGIBILITY FOR PARTICIPATION.—

1 (1) CRITERIA.—Countries receiving ACOTA
2 support shall be selected on the basis of—

3 (A) the country’s willingness to participate
4 in peace support operations;

5 (B) the country’s military capability;

6 (C) the country’s democratic governance;

7 (D) the nature of the relations between the
8 civil and military authorities within the country;

9 (E) the human rights record of the coun-
10 try, with particular attention paid to the record
11 of the military; and

12 (F) the relations between the country and
13 its neighboring states.

14 (2) ELIGIBILITY REVIEW.—The eligibility sta-
15 tus of participating countries shall be reviewed at
16 least annually.

17 (c) SENSE OF CONGRESS ON LOCAL CONSULTA-
18 TIONS.—It is the sense of Congress that the Department
19 of State should—

20 (1) provide information about the nature and
21 purpose of ACOTA training to nationals of a coun-
22 try participating in ACOTA, including parliamentar-
23 ians and nongovernmental humanitarian and human
24 rights organizations; and

1 made available for expanded military education and train-
2 ing under such chapter, may be available for a program
3 that involves the Government of Indonesia or the Indo-
4 nesian Armed Forces until the President makes the certifi-
5 cation described in subsection (b).

6 (b) CERTIFICATION.—The certification referred to in
7 subsection (a) is a certification submitted by the President
8 to the appropriate congressional committees that the Gov-
9 ernment of Indonesia and the Indonesian Armed Forces
10 are taking effective measures, including cooperating with
11 the Director of the Federal Bureau of Investigation—

12 (1) to conduct a full investigation of the attack
13 on United States citizens in West Papua, Indonesia
14 on August 31, 2002; and

15 (2) to criminally prosecute the individuals re-
16 sponsible for such attack.

17 (c) LIMITATION.—Nothing in this section shall pro-
18 hibit the United States Government from continuing to
19 conduct programs or training with the Indonesian Armed
20 Forces, including counter-terrorism training, officer visits,
21 port visits, or educational exchanges that are being con-
22 ducted on the date of the enactment of this Act.

23 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
24 DEFINED.—In this section, the term “appropriate con-
25 gressional committees” means the Committee on Foreign

1 Relations of the Senate and the Committee on Inter-
 2 national Relations of the House of Representatives.

3 **SEC. 519. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN**
 4 **COUNTRIES OF THE CARIBBEAN REGION.**

5 Section 1(f)(2)(B)(ii)(VII) of the State Department
 6 Basic Authorities Act of 1956 (22 U.S.C.
 7 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after
 8 “Zambia,” the following: “Antigua and Barbuda, the Ba-
 9 hamas, Barbados, Belize, Dominica, Grenada, Jamaica,
 10 Montserrat, Saint Kitts and Nevis, Saint Vincent and the
 11 Grenadines, Saint Lucia, Suriname, Trinidad and Tobago,
 12 Dominican Republic,”.

13 **SEC. 520. REPEAL OF OBSOLETE ASSISTANCE AUTHORITY.**

14 Sections 495 through 495K of the Foreign Assistance
 15 Act of 1961 (22 U.S.C. 2292f through 2292q) are re-
 16 pealed.

17 **SEC. 521. TECHNICAL CORRECTIONS.**

18 (a) **ERROR IN ENROLLMENT.**—Effective as of No-
 19 vember 21, 1990, as if included therein, section 10(a)(1)
 20 of Public Law 101–623 (104 Stat. 3356), relating to an
 21 amendment of section 610(a) of the Foreign Assistance
 22 Act of 1961 (22 U.S.C. 2360(a)), is amended by striking
 23 “‘part I’” and inserting “‘part I)’”.

24 (b) **REDESIGNATION OF DUPLICATIVELY NUMBERED**
 25 **SECTION.**—Section 620G of the Foreign Assistance Act

1 of 1961, as added by section 149 of Public Law 104–164
2 (110 Stat. 1436; 22 U.S.C. 2378a), is redesignated as sec-
3 tion 620J.

4 (c) CORRECTION OF SHORT TITLE.—Effective as of
5 September 30, 1961, as if included therein, section 111
6 of Public Law 87–329 (75 Stat. 719; 22 U.S.C. 2151
7 note) is amended by striking “The Foreign” and insert-
8 ing “the ‘Foreign’”.

Calendar No. 116

108TH CONGRESS
1ST SESSION

S. 1161

[Report No. 108-56]

A BILL

To authorize appropriations for foreign assistance programs for fiscal year 2004, and for other purposes.

MAY 29, 2003

Read twice and placed on the calendar