

**Calendar No. 461**108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2144****[Report No. 108-248]**

To authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2005, for the Peace Corps for fiscal years 2005 through 2007, for foreign assistance programs for fiscal year 2005, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 27, 2004

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

MARCH 18, 2004

Reported, under authority of the order of the Senate of March 12, 2004, by  
Mr. LUGAR, with amendments

[Omit the part struck through and insert the part printed in italic]

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**A BILL**

To authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2005, for the Peace Corps for fiscal years 2005 through 2007, for foreign assistance programs for fiscal year 2005, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Affairs Au-  
3 thorization Act, Fiscal Year 2005”.

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

6 (a) DIVISIONS.—This Act is organized into two divi-  
7 sions as follows:

8 (1) Division A—Foreign Relations Authoriza-  
9 tions.

10 (2) Division B—Foreign Assistance Authoriza-  
11 tions.

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

Sec. 1. Short title.

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

Sec. 3. Definitions.

DIVISION A—FOREIGN RELATIONS AUTHORIZATIONS

Sec. 100. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 101. Administration of foreign affairs.

Sec. 102. United States educational, cultural, and public diplomacy programs.

Sec. 103. International organizations and conferences.

Sec. 104. International commissions.

Sec. 105. Migration and refugee assistance.

Subtitle B—United States International Broadcasting Activities

Sec. 111. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND  
ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Interference with protective functions.

Sec. 202. Authority to issue administrative subpoenas.

- Sec. 203. Enhanced Department of State authority for uniformed security officers.
- Sec. 204. Prohibition on transfer of certain visa processing fees.
- Sec. 205. Reimbursement from United States Olympic Committee.
- Sec. 206. *International Litigation Fund*.
- Sec. 207. *Victims of crime in foreign countries*.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

- Sec. 211. Authority to promote biotechnology.
- Sec. 212. The United States Diplomacy Center.
- Sec. 213. Latin America Civilian Government Security Program.
- Sec. 214. *Extension of the Advisory Committee on Cultural Diplomacy*.

TITLE III—ORGANIZATION AND PERSONNEL OF THE  
DEPARTMENT OF STATE

- Sec. 301. Fellowship of Hope Program.
- Sec. 302. Cost-of-living allowances.
- Sec. 303. Additional authority for waiver of annuity limitations on reemployed Foreign Service annuitants.
- Sec. 304. Home leave.
- Sec. 305. Increased limits applicable to post differentials and danger pay allowances.
- Sec. 306. Suspension of Foreign Service members without pay.
- Sec. 307. Claims for lost pay.
- Sec. 308. Repeal of requirement for recertification process for members of the Senior Foreign Service.
- Sec. 309. Deadline for issuance of regulations regarding retirement credit for Government service performed abroad.
- Sec. 310. Separation of lowest ranked Foreign Service members.
- Sec. 311. Disclosure requirements applicable to proposed recipients of the personal rank of ambassador or minister.
- Sec. 312. Provision of living quarters and allowances to the United States Representatives to the United Nations.
- Sec. 313. *Pay for performance for the Senior Foreign Service*.
- Sec. 314. *Clarification of Foreign Service Grievance Board procedures*.
- Sec. 315. *Refugee Response Teams*.

TITLE IV—INTERNATIONAL ORGANIZATIONS

- Sec. 401. Limitation on the United States share of assessments for United Nations peacekeeping operations after calendar year 2004.
- Sec. 402. Report to Congress on implementation of the Brahimi report.
- Sec. 403. Membership on United Nations councils and commissions.

TITLE V—DESIGNATION OF FOREIGN TERRORIST  
ORGANIZATIONS

- Sec. 501. Designation of foreign terrorist organizations.

TITLE VI—STRENGTHENING UNITED STATES OUTREACH

Subtitle A—Public Diplomacy

- Sec. 601. Plans, reports, and budget documents.
- Sec. 602. Training.
- Sec. 603. Report on foreign language briefings.

Subtitle B—Strengthening United States Educational and Cultural Exchange Programs in the Islamic World

- Sec. 611. Definitions.
- Sec. 612. Expansion of educational and cultural exchanges.
- Sec. 613. Secondary exchange program.
- Sec. 614. Authorization of appropriations.

Subtitle C—Fellowship Program

- Sec. 621. Short title.
- Sec. 622. Fellowship program.
- Sec. 623. Fellowships.
- Sec. 624. Administrative provisions.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

- Sec. 701. Short title.
- Sec. 702. Inadmissibility of aliens supporting international child abductors and relatives of such abductors.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Repeal of requirement for semiannual report on extradition of narcotics traffickers.
- Sec. 802. Technical amendments to the United States International Broadcasting Act of 1994.
- Sec. 803. Fellowships for multidisciplinary training on nonproliferation issues.
- Sec. 804. Requirement for report on United States policy toward Haiti.
- Sec. 805. Limitation on use of funds relating to United States policy with respect to Jerusalem as the capital of Israel.
- Sec. 806. Requirement for additional report concerning efforts to promote Israel's diplomatic relations with other countries.
- Sec. 807. United States policy regarding the recognition of a Palestinian State.
- Sec. 808. Middle East Broadcasting Network.
- Sec. 809. Sense of Congress relating to Magen David Adom Society.
- Sec. 810. Extension of authorization of appropriation for the United States Commission on International Religious Freedom.
- Sec. 811. Sense of the Senate regarding the visa waiver program.*
- Sec. 812. Reporting requirements related to United States international agreements.*
- Sec. 813. Requirement to submit to Congress findings under the Diplomatic Security Act.*
- Sec. 814. Combatting piracy of United States copyrighted materials.*
- Sec. 815. Treatment of nationals of the Democratic People's Republic of Korea.*
- Sec. 816. Education of dependents of Broadcasting Board of Governors personnel stationed in the Commonwealth of the Northern Mariana Islands.*

TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

- Sec. 901. Short title.
- Sec. 902. Findings.
- Sec. 903. Definitions.
- Sec. 904. Strengthened independence of the Peace Corps.
- Sec. 905. Reports and consultations.

- Sec. 906. Increasing the number of volunteers.
- Sec. 907. Special volunteer recruitment and placement for countries whose governments are seeking to foster greater understanding between their citizens and the United States.
- Sec. 908. Global infectious diseases initiative.
- Sec. 909. Peace Corps National Advisory Council.
- Sec. 910. Readjustment allowances.
- Sec. 911. Programs and projects of returned Peace Corps volunteers to promote the goals of the Peace Corps.
- Sec. 912. Authorization of appropriations.

#### DIVISION B—FOREIGN ASSISTANCE AUTHORIZATIONS

- Sec. 2001. Short title.

#### TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

##### Subtitle A—Development Assistance and Related Programs Authorizations

- Sec. 2101. Development assistance.
- Sec. 2102. Child Survival and Health Programs Fund.
- Sec. 2103. Development credit authority.
- Sec. 2104. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.
- Sec. 2105. International organizations and programs.
- Sec. 2106. Continued availability of certain funds withheld from international organizations.
- ~~Sec. 2107. International disaster assistance.~~
- Sec. 2107. International disaster and famine assistance.*
- Sec. 2108. Transition initiatives.
- Sec. 2109. Assistance for the independent states of the former Soviet Union.
- Sec. 2110. Assistance for Eastern Europe and the Baltic States.
- Sec. 2111. Operating expenses of the United States Agency for International Development.
- Sec. 2112. Capital investment funds for the United States Agency for International Development.
- Sec. 2113. Millennium Challenge assistance.
- Sec. 2114. Contributions to Heavily Indebted Poor Countries (HIPC) Trust Fund.*
- Sec. 2115. Bilateral debt relief for Democratic Republic of Congo under Heavily Indebted Poor Country Initiative.*
- Sec. 2116. Tropical forest conservation.*

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

- Sec. 2121. International narcotics control and law enforcement.
- Sec. 2122. Economic support fund.
- Sec. 2123. International military education and training.
- Sec. 2124. Peacekeeping operations.
- Sec. 2125. Nonproliferation, anti-terrorism, demining, and related assistance.
- Sec. 2126. Foreign military financing program.

##### Subtitle C—Independent Agencies Authorizations

- Sec. 2131. Inter-American Foundation.
- Sec. 2132. African Development Foundation.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE  
AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

- Sec. 2201. Development policy.
- Sec. 2202. Assistance for nongovernmental organizations.
- Sec. 2203. Authority for use of funds for unanticipated contingencies.
- Sec. 2204. Authority to accept lethal excess property.
- ~~Sec. 2205. Reconstruction assistance under international disaster assistance authority.~~
- Sec. 2205. Reconstruction and famine assistance under international disaster assistance authority.*
- Sec. 2206. Funding authorities for assistance for the independent states of the former Soviet Union.
- Sec. 2207. Waiver of net proceeds resulting from disposal of United States defense articles provided to a foreign country on a grant basis.
- Sec. 2208. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.
- Sec. 2209. Additions to war reserve stockpiles for allies for fiscal years 2004 and 2005.
- Sec. 2210. Restrictions on economic support funds for Lebanon.
- Sec. 2211. Administration of justice.
- Sec. 2212. Demining programs.
- Sec. 2213. Special waiver authority.
- Sec. 2214. Prohibition of assistance for countries in default.
- Sec. 2215. Military coups.
- Sec. 2216. Designation of position for which appointee is nominated.
- Sec. 2217. Exceptions to requirement for congressional notification of program changes.
- Sec. 2218. Commitments for expenditures of funds.
- Sec. 2219. Alternative dispute resolution.
- Sec. 2220. Administrative authorities.
- Sec. 2221. Assistance for law enforcement forces.
- Sec. 2222. Special debt relief for the poorest *countries*.
- Sec. 2223. Congo Basin Forest Partnership.
- Sec. 2224. Landmine clearance programs.
- Sec. 2225. Middle East Foundation.
- Sec. 2226. Database of United States military assistance.*
- Sec. 2227. Millennium Challenge assistance for certain countries.*

Subtitle B—Arms Export Control Act Amendments and Related Provisions

- Sec. 2231. Thresholds for advance notice to Congress of sales or upgrades of defense articles, design and construction services, and major defense equipment.
- Sec. 2232. Clarification of requirement for advance notice to Congress of comprehensive export authorizations.
- Sec. 2233. Exception to bilateral agreement requirements for transfers of defense items.
- Sec. 2234. Authority to provide cataloging data and services to non-NATO countries.
- Sec. 2235. FREEDOM Support Act permanent waiver authority.
- Sec. 2236. Extension of Pakistan Waivers.
- Sec. 2237. Consolidation of reports on nonproliferation in South Asia.
- Sec. 2238. Haitian Coast Guard.

- Sec. 2239. Marketing information for commercial communications satellites.  
 Sec. 2240. Transfer of certain naval vessels.  
 Sec. 2241. *Man-Portable Air Defense Systems threat reduction.*

#### TITLE XXIII—RADIOLOGICAL TERRORISM SECURITY

- Sec. 2301. Short title.  
 Sec. 2302. Definitions.  
 Sec. 2303. Embassy threat assessment reports.  
 Sec. 2304. Foreign first responders.  
 Sec. 2305. Availability of funds.

#### TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

- Sec. 2401. Short title.  
 Sec. 2402. Findings; purpose.  
 Sec. 2403. Definitions.  
 Sec. 2404. Priority for certain countries.  
 Sec. 2405. Restriction.  
 Sec. 2406. Fellowship program.  
 Sec. 2407. In-country training in laboratory techniques and syndrome surveillance.  
 Sec. 2408. Assistance for the purchase and maintenance of public health laboratory equipment.  
 Sec. 2409. Assistance for improved communication of public health information.  
 Sec. 2410. Assignment of public health personnel to United States missions and international organizations.  
 Sec. 2411. Expansion of certain United States Government laboratories abroad.  
 Sec. 2412. Assistance for regional health networks and expansion of foreign epidemiology training programs.  
 Sec. 2413. Authorization of appropriations.

#### TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS

##### Subtitle A—Elimination and Modification of Certain Reporting Requirements

- Sec. 2501. Annual report on territorial integrity.  
 Sec. 2502. Annual reports on activities in Colombia.  
 Sec. 2503. Annual report on foreign military training.  
 Sec. 2504. Report on human rights in Haiti.

##### Subtitle B—Other Matters

- Sec. 2511. Certain claims for expropriation by the Government of Nicaragua.  
 Sec. 2512. Amendments to the Arms Control and Disarmament Act.  
~~Sec. 2513. Support for Sierra Leone.~~  
 Sec. ~~2514.~~ 2513. Support for independent media in Ethiopia.  
~~Sec. 2515. Support for Somalia.~~  
 Sec. ~~2516.~~ 2514. Support for Central African States.  
 Sec. 2515. *Support for Haiti.*  
 Sec. ~~2517.~~ 2516. African Contingency Operations Training and Assistance Program.  
 Sec. ~~2518.~~ 2517. Condition on the provision of certain funds to Indonesia.  
 Sec. ~~2519.~~ 2518. Assistance to combat HIV/AIDS in certain countries of the Caribbean region.  
 Sec. 2519. *Assistance to combat HIV/AIDS in India.*  
 Sec. 2520. *Sense of Congress on Iraq debt.*

*Sec. 2521. Sense of Congress on rights of women in Iraq.*

*Sec. 2522. Sense of Congress on national elections in Afghanistan.*

*Sec. ~~2520~~. 2523. Repeal of obsolete assistance authority.*

*Sec. ~~2521~~. 2524. Technical corrections.*

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

8 (2) DEPARTMENT.—Except as otherwise pro-  
9 vided in this Act, the term “Department” means the  
10 Department of State.

11 (3) SECRETARY.—Except as otherwise provided  
12 in this Act, the term “Secretary” means the Sec-  
13 retary of State.

14 **DIVISION A—FOREIGN**  
15 **RELATIONS AUTHORIZATIONS**

16 **SEC. 100. SHORT TITLE.**

17 This division may be cited as the “Foreign Relations  
18 Authorization Act, Fiscal Year 2005”.



1     **TITLE I—AUTHORIZATIONS OF**  
2                     **APPROPRIATIONS**  
3     **Subtitle A—Department of State**

4     **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

5             The following amounts are authorized to be appro-  
6     priated for the Department under “Administration of For-  
7     eign Affairs” to carry out the authorities, functions, du-  
8     ties, and responsibilities in the conduct of foreign affairs  
9     of the United States, and for other purposes authorized  
10    by law:

11            (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

12                 (A) AUTHORIZATION OF APPROPRIA-  
13     TIONS.—For “Diplomatic and Consular Pro-  
14     grams”, \$4,293,004,000 for the fiscal year  
15     2005.

16                 (B) WORLDWIDE SECURITY UPGRADES.—

17     Of the amounts authorized to be appropriated  
18     by subparagraph (A), \$658,701,000 for the fis-  
19     cal year 2005 is authorized to *be* made available  
20     for worldwide security upgrades.

21            (2) CAPITAL INVESTMENT FUND.—For “Cap-  
22     ital Investment Fund”, \$155,100,000 for the fiscal  
23     year 2005.

24            (3) EMBASSY SECURITY, CONSTRUCTION AND  
25     MAINTENANCE.—For “Embassy Security, Construc-

1 tion and Maintenance”, \$1,569,000,000 for the fis-  
2 cal year 2005.

3 (4) REPRESENTATION ALLOWANCES.—For  
4 “Representation Allowances”, \$8,640,000 for the  
5 fiscal year 2005.

6 (5) PROTECTION OF FOREIGN MISSIONS AND  
7 OFFICIALS.—For “Protection of Foreign Missions  
8 and Officials”, \$9,600,000 for the fiscal year 2005.

9 (6) EMERGENCIES IN THE DIPLOMATIC AND  
10 CONSULAR SERVICE.—For “Emergencies in the Dip-  
11 lomatic and Consular Service”, \$7,000,000 for the  
12 fiscal year 2005.

13 (7) REPATRIATION LOANS.—For “Repatriation  
14 Loans”, \$1,219,000 for the fiscal year 2005.

15 (8) PAYMENT TO THE AMERICAN INSTITUTE IN  
16 TAIWAN.—For “Payment to the American Institute  
17 in Taiwan”, \$19,482,000 for the fiscal year 2005.

18 (9) OFFICE OF THE INSPECTOR GENERAL.—  
19 For “Office of the Inspector General”, \$31,435,000  
20 for the fiscal year 2005.

21 **SEC. 102. UNITED STATES EDUCATIONAL, CULTURAL, AND**  
22 **PUBLIC DIPLOMACY PROGRAMS.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—The following amounts are  
25 authorized to be appropriated for the Department to

1 carry out public diplomacy programs of the Depart-  
2 ment under the United States Information and Edu-  
3 cational Exchange Act of 1948, the Mutual Edu-  
4 cational and Cultural Exchange Act of 1961, Reor-  
5 ganization Plan Number 2 of 1977, the Foreign Af-  
6 fairs Reform and Restructuring Act of 1998, the  
7 Center for Cultural and Technical Interchange Be-  
8 tween East and West Act of 1960, the Dante B.  
9 Fascell North-South Center Act of 1991, and the  
10 National Endowment for Democracy Act, and to  
11 carry out other authorities in law consistent with the  
12 purposes of such Acts:

13 (A) EDUCATIONAL AND CULTURAL EX-  
14 CHANGE PROGRAMS.—For “Educational and  
15 Cultural Exchange Programs”, \$375,346,000  
16 for the fiscal year 2005.

17 (B) NATIONAL ENDOWMENT FOR DEMOC-  
18 RACY.—For the “National Endowment for De-  
19 mocracy”, \$80,000,000 for the fiscal year 2005.

20 (C) CENTER FOR CULTURAL AND TECH-  
21 NICAL INTERCHANGE BETWEEN EAST AND  
22 WEST.—For the “Center for Cultural and Tech-  
23 nical Interchange Between East and West”,  
24 \$13,709,000 for the fiscal year 2005.

1 (D) DANTE B. FASCELL NORTH-SOUTH  
 2 CENTER.—For the “Dante B. Fascell North-  
 3 South Center”, \$2,000,000 for the fiscal year  
 4 2005.

5 (2) SPECIFIC EDUCATIONAL AND CULTURAL  
 6 EXCHANGE PROGRAMS.—

7 (A) FULBRIGHT ACADEMIC EXCHANGE  
 8 PROGRAMS.—Of the amount authorized to be  
 9 appropriated by paragraph (1)(A),  
 10 \$150,000,000 for the fiscal year 2005 is au-  
 11 thORIZED to be made available for the “Fulbright  
 12 Academic Exchange Programs”.

13 ~~(B) VIETNAM EDUCATION FOUNDATION.—~~  
 14 ~~Of the amount made available by subparagraph~~  
 15 ~~(A), \$5,000,000 for the fiscal year 2005 is au-~~  
 16 ~~thORIZED to be made available to the Vietnam~~  
 17 ~~Education Foundation established in section~~  
 18 ~~204 of the Vietnam Education Foundation Act~~  
 19 ~~of 2000 (22 U.S.C. 2452 note).~~

20 (B) VIETNAM FULBRIGHT ACADEMIC EX-  
 21 CHANGE PROGRAM.—*Of the amount made avail-*  
 22 *able by subparagraph (A), \$5,000,000 for the fis-*  
 23 *cal year 2005 is authorized to be made available*  
 24 *to carry out the Vietnam scholarship program*  
 25 *established by section 229 of the Foreign Rela-*

1            *tions Authorization Act, Fiscal Years 1992 and*  
 2            *1993 (Public Law 102-138).*

3            (b) ASIA FOUNDATION.—Section 404 of The Asia  
 4 Foundation Act (22 U.S.C. 4403) is amended to read as  
 5 follows:

6            “SEC. 404. There ~~are~~ *is* authorized to be appro-  
 7 priated to the Secretary of State \$8,880,000 for the fiscal  
 8 year 2005 for grants to The Asia Foundation pursuant  
 9 to this title.”.

10 **SEC. 103. INTERNATIONAL ORGANIZATIONS AND CON-**  
 11 **FERENCES.**

12            ~~(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL~~  
 13 ~~ORGANIZATIONS.—~~There is authorized to be appropriated  
 14 for “Contributions to International Organizations”,  
 15 \$1,194,210,000 for the fiscal year 2005 for the Depart-  
 16 ment to carry out the authorities, functions, duties, and  
 17 responsibilities in the conduct of the foreign affairs of the  
 18 United States with respect to international organizations  
 19 and to carry out other authorities in law consistent with  
 20 such purposes.

21            ~~(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL~~  
 22 ~~ORGANIZATIONS.—~~

23            ~~(1) AUTHORIZATION OF APPROPRIATIONS.—~~  
 24            *There is authorized to be appropriated for “Contribu-*  
 25            *tions to International Organizations”, \$1,194,210,000*

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

7               (2) *FUNDS FOR THE UN HEADQUARTERS REN-*  
8       *OVATION.—Of the funds authorized to be appropriated*  
9       *by paragraph (1), \$6,000,000 for the fiscal year 2005*  
10       *is authorized to be made available for the cost (as de-*  
11       *finied in section 502(5) of the Federal Reform Credit*  
12       *Act of 1990 (2 U.S.C. 661a(5)) of a direct loan to the*  
13       *United Nations for renovations to the United Nations*  
14       *headquarters building located in New York, New*  
15       *York, if the total principal of such loan does not ex-*  
16       *ceed \$1,200,000,000.*

17       (b) *CONTRIBUTIONS FOR INTERNATIONAL PEACE-*  
18       *KEEPING ACTIVITIES.—*

19               (1) *AUTHORIZATION OF APPROPRIATION.—*  
20       There is authorized to be appropriated for “Con-  
21       tributions for International Peacekeeping Activities”,  
22       \$650,000,000 for the fiscal year 2005 for the De-  
23       partment to carry out the authorities, functions, du-  
24       ties, and responsibilities of the United States with  
25       respect to international peacekeeping activities and

1 to carry out other authorities in law consistent with  
2 such purposes.

3 (2) AVAILABILITY OF FUNDS.—Funds appro-  
4 priated pursuant to paragraph (1) are authorized to  
5 be available until September 30, 2006.

6 (c) FOREIGN CURRENCY EXCHANGE RATES.—

7 (1) AUTHORIZATION OF APPROPRIATION.—In  
8 addition to amounts authorized to be appropriated  
9 by subsection (a), there is authorized to be appro-  
10 priated for the Department such sums as may be  
11 necessary for the fiscal year 2005 to offset adverse  
12 fluctuations in foreign currency exchange rates.

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

20 **SEC. 104. INTERNATIONAL COMMISSIONS.**

21 (a) IN GENERAL.—The following amounts are au-  
22 thorized to be appropriated under “International Commis-  
23 sions” for the Department to carry out the authorities,  
24 functions, duties, and responsibilities in the conduct of the  
25 foreign affairs of the United States with respect to inter-

1 national commissions and for other purposes authorized  
2 by law:

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

7 (A) for “Salaries and Expenses”,  
8 \$30,300,000 for the fiscal year 2005; and

9 (B) for “Construction”, \$8,545,000 for the  
10 fiscal year 2005.

11 (2) INTERNATIONAL BOUNDARY COMMISSION,  
12 UNITED STATES AND CANADA.—For “International  
13 Boundary Commission, United States and Canada”,  
14 \$1,210,000 for the fiscal year 2005.

15 (3) INTERNATIONAL JOINT COMMISSION.—For  
16 “International Joint Commission”, \$7,498,000 for  
17 the fiscal year 2005.

18 (4) INTERNATIONAL FISHERIES COMMISS-  
19 SIONS.—For “International Fisheries Commissions”,  
20 \$20,800,000 for the fiscal year 2005.

21 (b) BORDER ENVIRONMENT COOPERATION COMMIS-  
22 SION.—

23 (1) *AUTHORIZATION OF APPROPRIATIONS*.—Not-  
24 withstanding paragraph (2) of section 533(a) of the  
25 North American Free Trade Agreement Implemen-



1 tation Act (19 U.S.C. 3473(a)(2)), there are author-  
 2 ized to be appropriated to the President not more  
 3 than \$2,048,000 for the United States contributions  
 4 to the budget of the Border Environment Coopera-  
 5 tion Commission for the fiscal year 2005.

6 (2) *AVAILABILITY OF FUNDS.*—*Funds appro-*  
 7 *priated pursuant to paragraph (1) are authorized to*  
 8 *be available until expended.*

9 **SEC. 105. MIGRATION AND REFUGEE ASSISTANCE.**

10 (a) ~~IN GENERAL.~~—*AUTHORIZATION OF APPROPRIA-*  
 11 *TIONS.*—

12 (1) *IN GENERAL.*—There is authorized to be ap-  
 13 propriated for “Migration and Refugee Assistance”  
 14 for authorized activities, ~~\$729,789,000~~ \$764,789,000  
 15 for the fiscal year 2005.

16 (2) *AVAILABILITY OF FUNDS.*—*Funds appro-*  
 17 *priated pursuant to paragraph (1) are authorized to*  
 18 *be available until expended.*

19 (b) **REFUGEES RESETTLING IN ISRAEL.**—Of the  
 20 amount authorized to be appropriated by subsection (a),  
 21 \$50,000,000 is authorized to be available for the fiscal  
 22 year 2005 for the resettlement of refugees in Israel.

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

3 **SEC. 111. AUTHORIZATIONS OF APPROPRIATIONS.**

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

13 (1) INTERNATIONAL BROADCASTING OPER-  
14 ATIONS.—For “International Broadcasting Oper-  
15 ations”, \$575,740,000 for the fiscal year 2005.

16 (2) BROADCASTING CAPITAL IMPROVEMENTS.—  
17 For “Broadcasting Capital Improvements”,  
18 \$8,560,000 for the fiscal year 2005.

1 **TITLE II—DEPARTMENT OF**  
2 **STATE AUTHORITIES AND AC-**  
3 **TIVITIES**

4 **Subtitle A—Basic Authorities and**  
5 **Activities**

6 **SEC. 201. INTERFERENCE WITH PROTECTIVE FUNCTIONS.**

7 (a) OFFENSE.—Chapter 7 of title 18, United States  
8 Code, is amended by adding at the end the following:

9 **“§ 117. Interference with certain protective functions**

10 “Whoever knowingly and willfully obstructs, resists,  
11 or interferes with a Federal law enforcement agent en-  
12 gaged, within the United States or the special maritime  
13 territorial jurisdiction of the United States, in the per-  
14 formance of the protective functions authorized by section  
15 37 of the State Department Basic Authorities Act of 1956  
16 (22 U.S.C. 2709) or section 103 of the Diplomatic Secu-  
17 rity Act (22 U.S.C. 4802) shall be fined under this title  
18 or imprisoned not more than one year, or both.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by adding  
21 at the end the following new item:

“117. Interference with certain protective functions.”.

1 **SEC. 202. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**  
2 **POENAS.**

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

6 “(d) ADMINISTRATIVE SUBPOENAS.—

7 “(1) IN GENERAL.—If the *Secretary of State*  
8 determines that there is an imminent threat against  
9 a person, foreign mission, or international organiza-  
10 tion protected under the authority of subsection  
11 (a)(3), the Secretary may issue in writing, and cause  
12 to be served, a subpoena requiring—

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

15 “(B) testimony by the custodian of the  
16 items required to be produced concerning the  
17 production and authenticity of those items.

18 “(2) REQUIREMENTS.—

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

1           “(B) NOTIFICATION TO ATTORNEY GEN-  
2           ERAL.—As soon as practicable following the  
3           issuance of a subpoena under this subsection,  
4           the Secretary shall notify the Attorney General  
5           of its issuance.

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

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

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

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

16           “(4) ANNUAL REPORT.—Not later than Feb-  
17           ruary 1 of each year, the Secretary *of State* shall  
18           submit to the Committee on Foreign Relations of  
19           the Senate and the Committee on International Re-  
20           lations of the House of Representatives a report re-  
21           garding the exercise of the authority under this sub-  
22           section during the previous calendar year.”.

1 **SEC. 203. ENHANCED DEPARTMENT OF STATE AUTHORITY**  
2 **FOR UNIFORMED SECURITY OFFICERS.**

3 The State Department Basic Authorities Act of 1956  
4 is amended by inserting after section 37 (22 U.S.C. 2709)  
5 the following new section:

6 **“SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE**  
7 **UNITED STATES BY DESIGNATED LAW EN-**  
8 **FORCEMENT OFFICERS.**

9 “(a) DESIGNATION OF LAW ENFORCEMENT OFFI-  
10 CERS.—The Secretary of State may designate Department  
11 of State uniformed guards as law enforcement officers for  
12 duty in connection with the protection of buildings and  
13 areas within the United States for which the Department  
14 of State provides protective services, including duty in  
15 areas outside the property to the extent necessary to pro-  
16 tect the property and persons on the property.

17 “(b) POWERS OF OFFICERS.—While engaged in the  
18 performance of official duties as a law enforcement officer  
19 designated under subsection (a), an officer may—

20 “(1) enforce Federal laws and regulations for  
21 the protection of persons and property;

22 “(2) carry firearms; and

23 “(3) make arrests without warrant for any of-  
24 fense against the United States committed in the of-  
25 ficer’s presence, or for any felony cognizable under  
26 the laws of the United States if the officer has rea-

1       sonable grounds to believe that the person to be ar-  
2       rested has committed or is committing such felony  
3       in connection with the buildings and areas, or per-  
4       sons, for which the Department of State is providing  
5       protective services.

6       “(c) REGULATIONS.—(1) The Secretary of State may  
7       prescribe regulations necessary for the administration of  
8       buildings and areas within the United States for which  
9       the Department of State provides protective services. The  
10       regulations may include reasonable penalties, within the  
11       limits prescribed in subsection (d), for violations of the  
12       regulations.

13       “(2) The Secretary shall consult with the Secretary  
14       of Homeland Security in prescribing the regulations under  
15       paragraph (1).

16       “(3) The regulations shall be posted and kept posted  
17       in a conspicuous place on the property.

18       “(d) PENALTIES.—A person violating a regulation  
19       prescribed under subsection (c) shall be fined under title  
20       18, United States Code, or imprisoned for not more than  
21       30 days, or both.

22       “(e) TRAINING OFFICERS.—The Secretary of State  
23       may also designate firearms and explosives training offi-  
24       cers as law enforcement officers under subsection (a) for  
25       the limited purpose of safeguarding firearms, ammunition,

1 and explosives that are located at firearms and explosives  
2 training facilities approved by the Secretary or are in tran-  
3 sit between training facilities and Department of State  
4 weapons and munitions vaults.

5 “(f) ATTORNEY GENERAL APPROVAL.—The powers  
6 granted to officers designated under this section shall be  
7 exercised in accordance with guidelines approved by the  
8 Attorney General.

9 “(g) RELATIONSHIP TO OTHER AUTHORITY.—Noth-  
10 ing in this section shall be construed to affect the author-  
11 ity of the Secretary of Homeland Security, the Adminis-  
12 trator of General Services, or any Federal law enforcement  
13 agency.”.

14 **SEC. 204. PROHIBITION ON TRANSFER OF CERTAIN VISA**  
15 **PROCESSING FEES.**

16 Section 140(a)(2) of the Foreign Relations Author-  
17 ization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351  
18 note) is amended in the second sentence by inserting be-  
19 fore the period at the end the following: “and shall not  
20 be transferred to any other *department or* agency, except  
21 that funds may be transferred by the Secretary for the  
22 procurement of goods and services from other departments  
23 or agencies pursuant to section 1535 of title 31, United  
24 States Code”.



1 **SEC. 205. REIMBURSEMENT FROM UNITED STATES OLYM-**  
2 **PIC COMMITTEE.**

3 (a) IN GENERAL.—The Secretary shall seek, to the  
4 extent practicable, reimbursement from the United States  
5 Olympic Committee for security provided to the United  
6 States Olympic Team by Diplomatic Security Special  
7 Agents during the 2004 Summer Olympics.

8 (b) OFFSETTING RECEIPT.—Reimbursements pro-  
9 vided under subsection (a) shall be deposited as an offset-  
10 ting receipt to the appropriate Department account.

11 (c) AVAILABILITY OF FUNDS.—Funds collected  
12 under the authority in subsection (a) shall remain avail-  
13 able for obligation until September 30, 2005.

14 **SEC. 206. INTERNATIONAL LITIGATION FUND.**

15 *Section 38(d)(3) of the State Department Basic Au-*  
16 *thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended—*

17 (1) *by inserting “as a result of a decision of an*  
18 *international tribunal,” after “by the Department of*  
19 *State”; and*

20 (2) *by inserting a comma after “United States*  
21 *Government”.*

22 **SEC. 207. VICTIMS OF CRIME IN FOREIGN COUNTRIES.**

23 (a) *VICTIMS OF CRIME OFFICE.—*

24 (1) *ESTABLISHMENT.—The Secretary shall estab-*  
25 *lish the Victims of Crime Office within the Bureau of*  
26 *Consular Affairs of the Department.*

1           (2) *DUTIES.*—*The head of the Victims of Crime*  
2 *Office shall—*

3                 (A) *compile a database of information re-*  
4 *garding incidents of violent crime committed*  
5 *against nationals of the United States in a for-*  
6 *ign country;*

7                 (B) *provide information and training to*  
8 *consular officers to assist such officers in ad-*  
9 *dressing the needs of nationals of the United*  
10 *States who are victims of a violent crime in a*  
11 *foreign country; and*

12                 (C) *administer the assistance program au-*  
13 *thorized under subsection (b).*

14           (3) *TIME FOR ESTABLISHMENT OF OFFICE.*—*The*  
15 *Secretary shall complete the action required under*  
16 *paragraph (1) not later than 180 days after the en-*  
17 *actment of this Act.*

18           (b) *ASSISTANCE FOR CRIME VICTIMS.*—

19                 (1) *AUTHORITY TO PROVIDE ASSISTANCE.*—*The*  
20 *Secretary is authorized to provide financial assistance*  
21 *from funds available under section 4 of the State De-*  
22 *partment Basic Authorities Act of 1956 (22 U.S.C.*  
23 *2671), to crime victims to address the needs of such*  
24 *victims. Such assistance may include funds for—*

- 1           (A) *advance payment of emergency services*  
2           *including medical and travel expenses;*  
3           (B) *travel to and from judicial proceedings;*  
4           (C) *the shipment of remains; and*  
5           (D) *repatriation of victims of domestic vio-*  
6           *lence or child abuse.*

7           (2) *NONDUPLICATION OF ASSISTANCE.—A crime*  
8           *victim is not eligible for assistance under paragraph*  
9           *(1) to meet a need of such crime victim if the Sec-*  
10           *retary determines that such crime victim is eligible to*  
11           *receive assistance from any other source, including*  
12           *from a program of assistance of a State, to meet such*  
13           *need.*

14           (3) *OFFICE TO ADMINISTER PROGRAM.—The Sec-*  
15           *retary shall carry out this subsection through the head*  
16           *of the Victims of Crime Office.*

17           (4) *REGULATIONS.—The Secretary shall pre-*  
18           *scribe such regulations as the Secretary determines*  
19           *necessary to administer the program of assistance to*  
20           *crime victims under paragraph (1).*

21           (5) *AVAILABILITY OF EMERGENCY FUNDS.—*

22           (A) *IN GENERAL.—Section 4(b)(2) of the*  
23           *State Department Basic Authorities Act of 1956*  
24           *(22 U.S.C. 2671(b)(2)) is amended by adding at*  
25           *the end the following new subparagraph:*

1           “(K) assistance to crime victims under section  
2           206 of the Foreign Relations Authorization Act, Fis-  
3           cal Year 2005.”.

4           (B) TECHNICAL AMENDMENTS.—Such sec-  
5           tion is further amended—

6                   (i) in subparagraph (I), by striking  
7                   “and” at the end; and

8                   (ii) in subparagraph (J), by striking  
9                   the period at the end and inserting “; and”.

10          (c) REPORT.—Not later than one year after the date  
11          of the enactment of this Act, the Secretary shall report to  
12          the appropriate congressional committees on the activities  
13          of the Victims of Crime Office. The report shall include in-  
14          formation on—

15                   (1) the operation of such Office;

16                   (2) the expenditure of any funds under subpara-  
17          graph (K) of section 4(b)(2) of the State Department  
18          Basic Authorities Act of 1956, as added by subsection  
19          (b); and

20                   (3) the recommendations of the Secretary, if any,  
21          for legislation that is necessary to improve the oper-  
22          ation of such Office.

23          (d) DEFINITIONS.—In this section:

1           (1) *CRIME VICTIM.*—*The term “crime victim”*  
 2           *means a national of the United States who is a vic-*  
 3           *tim of violent crime in a foreign country.*

4           (2) *NATIONAL OF THE UNITED STATES.*—*The*  
 5           *term “national of the United States” has the meaning*  
 6           *given that term in section 101(a)(22) of the Immigra-*  
 7           *tion and Nationality Act (8 U.S.C. 1101(a)(22)).*

8           (3) *STATE.*—*The term “State” means each of the*  
 9           *several States of the United States, the District of Co-*  
 10          *lumbia, the Commonwealth of Puerto Rico, the Com-*  
 11          *monwealth of the Northern Mariana Islands, the Vir-*  
 12          *gin Islands, Guam, and American Samoa.*

13          (4) *VIOLENT CRIME.*—*The term “violent crime”*  
 14          *means the crimes of murder, non-negligent man-*  
 15          *slaughter, forcible rape, robbery, child abuse, domestic*  
 16          *abuse, kidnaping, and aggravated assault, as defined*  
 17          *by the Secretary.*

18          **Subtitle B—Educational, Cultural,**  
 19          **and Public Diplomacy Authorities**

20          **SEC. 211. AUTHORITY TO PROMOTE BIOTECHNOLOGY.**

21          The Secretary is authorized to support, by grants, co-  
 22          operative agreements, or contracts, outreach and public di-  
 23          plomacy activities regarding the benefits of agricultural  
 24          biotechnology and science-based regulatory systems, and  
 25          the application of agricultural biotechnology for trade and

1 development purposes. The total amount of grants made  
2 pursuant to this authority in a fiscal year shall not exceed  
3 \$500,000.

4 **SEC. 212. THE UNITED STATES DIPLOMACY CENTER.**

5 Title I of the State Department Basic Authorities Act  
6 of 1956 is amended by adding after section 58 (22 U.S.C.  
7 2730) the following new section:

8 **“SEC. 59. THE UNITED STATES DIPLOMACY CENTER.**

9 “(a) **ACTIVITIES.—**

10 “(1) **SUPPORT AUTHORIZED.—**The Secretary of  
11 State is authorized to provide by contract, grant, or  
12 otherwise, for the performance of appropriate mu-  
13 seum visitor and educational outreach services, in-  
14 cluding organizing conference activities, museum  
15 shop services, and food services, in the public exhibit  
16 and related space utilized by the United States Di-  
17 plomacy Center (in this section referred to as the  
18 ‘Center’).

19 “(2) **PAYMENT OF EXPENSES.—**The Secretary  
20 may pay all reasonable expenses of conference activi-  
21 ties conducted by the Center, including refreshments  
22 and reimbursement of travel expenses incurred by  
23 participants.

24 “(3) **RECOVERY OF COSTS.—**Any revenues gen-  
25 erated under the authority of paragraph (1) for vis-

1       itor services may be retained, as a recovery of the  
2       costs of operating the Center, and credited to any  
3       Department of State appropriation.

4       “(b) DISPOSITION OF UNITED STATES DIPLOMACY  
5       CENTER ARTIFACTS AND MATERIALS.—

6               “(1) PROPERTY OF SECRETARY.—All historic  
7       documents, artifacts, or other articles permanently  
8       acquired by the Department of State and deter-  
9       mined by the Secretary to be suitable for display in  
10       the Center shall be considered to be the property of  
11       the Secretary in the Secretary’s official capacity and  
12       shall be subject to disposition solely in accordance  
13       with this subsection.

14              “(2) SALE OR TRADE.—Whenever the Secretary  
15       makes the determination under paragraph (3) with  
16       respect to an item, the Secretary may sell at fair  
17       market value, trade, or transfer the item, without re-  
18       gard to the requirements of subtitle I of title 40,  
19       United States Code. The proceeds of any such sale  
20       may be used solely for the advancement of the Cen-  
21       ter’s mission and may not be used for any purpose  
22       other than the acquisition and direct care of collec-  
23       tions.

24              “(3) DETERMINATIONS PRIOR TO SALE OR  
25       TRADE.—The determination referred to in para-

1 graph (2), with respect to an item, is a determina-  
2 tion that—

3 “(A) the item no longer serves to further  
4 the purposes of the Center established in the  
5 collections management policy of the Center; or

6 “(B) in order to maintain the standards of  
7 the collections of the Center, the sale or ex-  
8 change of the item would be a better use of the  
9 item.

10 “(4) LOANS.—The Secretary may also lend  
11 items covered by paragraph (1), when not needed for  
12 use or display in the Center, to the Smithsonian In-  
13 stitution or a similar institution for repair, study, or  
14 exhibition.”.

15 **SEC. 213. LATIN AMERICA CIVILIAN GOVERNMENT SECU-**  
16 **RITY PROGRAM.**

17 The Secretary is authorized to establish, through an  
18 institution of higher education in the United States that  
19 has prior experience in the field, an educational program  
20 designed to promote civilian control of government min-  
21 istries in Latin America that perform national security  
22 functions by teaching and reinforcing among young pro-  
23 fessionals from countries in Latin America the analytical  
24 skills, knowledge of civil institutions, and leadership skills



1 necessary to manage national security functions within a  
 2 democratic civil society.

3 **SEC. 214. EXTENSION OF THE ADVISORY COMMITTEE ON**  
 4 **CULTURAL DIPLOMACY.**

5 *Section 224(j) of the Foreign Relations Authorization*  
 6 *Act, Fiscal Year 2003 (22 U.S.C. 2451 note) is amended*  
 7 *by striking “2005” and inserting “2007”.*

8 **TITLE III—ORGANIZATION AND**  
 9 **PERSONNEL OF THE DEPART-**  
 10 **MENT OF STATE**

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

12 (a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title  
 13 I of the Foreign Service Act of 1980 (22 U.S.C. 3981  
 14 et seq.) is amended by adding at the end the following  
 15 new section:

16 “SEC. 506. FELLOWSHIP OF HOPE.—(a) The Sec-  
 17 retary is authorized to establish the Fellowship of Hope  
 18 Program. Under the program, the Secretary may assign  
 19 a member of the Service, for not more than one year, to  
 20 a position with any designated country or designated enti-  
 21 ty that permits an employee to be assigned to a position  
 22 with the Department.

23 “(b) The salary and benefits of a member of the Serv-  
 24 ice shall be paid as described in subsection (b) of section  
 25 503 during a period in which such member is participating

1 in the Fellowship of Hope Program. The salary and bene-  
2 fits of an employee of a designated country or designated  
3 entity participating in such program shall be paid by such  
4 country or entity during the period in which such employee  
5 is participating in the program.

6 “(c) In this section:

7 “(1) The term ‘designated country’ means a  
8 member country of—

9 “(A) the North Atlantic Treaty Organiza-  
10 tion; or

11 “(B) the European Union.

12 “(2) The term ‘designated entity’ means—

13 “(A) the North Atlantic Treaty Organiza-  
14 tion; or

15 “(B) the European Union.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17 Such Act is amended—

18 (1) in section 503 (22 U.S.C. 3983)—

19 (A) in the section heading, by striking  
20 “AND” and inserting “FOREIGN GOVERN-  
21 MENTS, OR”; and

22 (B) in subsection (a)(1), by inserting after  
23 “body” the following: “, or with a foreign gov-  
24 ernment under section 506”; and

25 (2) in section 2, in the table of contents—

1 (A) by striking the item relating to section  
2 503 and inserting the following:

“Sec. 503. Assignments to agencies, international organizations, foreign govern-  
ments, or other bodies.”;

3 and

4 (B) by inserting after the item relating to  
5 section 505 the following:

“Sec. 506. Fellowship of Hope Program.”.

6 **SEC. 302. COST-OF-LIVING ALLOWANCES.**

7 Section 5924(4) of title 5, United States Code, is  
8 amended—

9 (1) in the first sentence of subparagraph (A)—

10 (A) by inserting “activities required for  
11 successful completion of a grade or course and”  
12 after “(including”;

13 (B) by striking “not to exceed the total  
14 cost to the Government of the dependent at-  
15 tending an adequate school in the nearest local-  
16 ity where an adequate school is available” and  
17 inserting “subject to the approval of the head  
18 of the agency involved”;

19 (2) by striking subparagraph (B) and inserting  
20 the following:

21 “(B) The travel expenses of dependents of  
22 an employee to and from a secondary, post-sec-  
23 ondary, or post-baccalaureate educational insti-

1           tution, not to exceed 1 annual trip each way for  
2           each dependent, except that an allowance pay-  
3           ment under subparagraph (A) of this paragraph  
4           may not be made for a dependent during the 12  
5           months following the arrival of the dependent  
6           at the selected educational institution under au-  
7           thority contained in this subparagraph.”; and  
8           (3) by adding at the end the following new sub-  
9           paragraph:

10                   “(D) Allowances provided pursuant to sub-  
11                   paragraphs (A) and (B) may include, at the  
12                   election of the employee, payment or reimburse-  
13                   ment of the costs incurred to store baggage for  
14                   the employee’s dependent at or in the vicinity of  
15                   the dependent’s school during the dependent’s  
16                   annual trip between the school and the employ-  
17                   ee’s duty station, except that such payment or  
18                   reimbursement may not exceed the cost that the  
19                   Government would incur to transport the bag-  
20                   gage with the dependent in connection with the  
21                   annual trip, and such payment or reimburse-  
22                   ment shall be in lieu of transportation of the  
23                   baggage.”.

1 **SEC. 303. ADDITIONAL AUTHORITY FOR WAIVER OF ANNU-**  
2 **ITY LIMITATIONS ON REEMPLOYED FOREIGN**  
3 **SERVICE ANNUITANTS.**

4 Section 824(g) of the Foreign Service Act of 1980  
5 (22 U.S.C. 4064(g)) is amended to read as follows:

6 “(g) The Secretary of State may waive the applica-  
7 tion of subsections (a) through (d) on a case-by-case basis  
8 for an annuitant reemployed on a temporary basis—

9 “(1) if, and for so long as, such waiver is nec-  
10 essary due to an emergency involving a direct threat  
11 to life or property or other unusual circumstances;  
12 or

13 “(2) if the annuitant is employed in a position  
14 for which there is exceptional difficulty in recruiting  
15 or retaining a qualified employee.”.

16 **SEC. 304. HOME LEAVE.**

17 Chapter 9 of title I of the Foreign Service Act of  
18 1980 is amended—

19 (1) in section 901(6) (22 U.S.C. 4081(6)), by  
20 striking “unbroken by home leave” both places that  
21 it appears; and

22 (2) in section 903(a) (22 U.S.C. 4083(a)), by  
23 striking “18 months” in the first sentence and in-  
24 serting “12 months”.

1 **SEC. 305. INCREASED LIMITS APPLICABLE TO POST DIF-**  
2 **FERENTIALS AND DANGER PAY ALLOW-**  
3 **ANCES.**

4 (a) **REPEAL OF LIMITED-SCOPE EFFECTIVE DATE**  
5 **FOR PREVIOUS INCREASE.**—Subsection (c) of section 591  
6 of the Foreign Operations, Export Financing, and Related  
7 Programs Appropriations Act, 2004 (division D of Public  
8 Law 108–199) is repealed.

9 (b) **POST DIFFERENTIALS.**—Section 5925(a) of title  
10 5, United States Code, is amended by striking “25 percent  
11 of the rate of basic pay or, in the case of an employee  
12 of the United States Agency for International Develop-  
13 ment,”.

14 (c) **DANGER PAY ALLOWANCES.**—Section 5928 of  
15 title 5, United States Code, is amended by striking “25  
16 percent of the basic pay of the employee or 35 percent  
17 of the basic pay of the employee in the case of an employee  
18 of the United States Agency for International Develop-  
19 ment” both places that it appears and inserting “35 per-  
20 cent of the basic pay of the employee”.

21 **SEC. 306. SUSPENSION OF FOREIGN SERVICE MEMBERS**  
22 **WITHOUT PAY.**

23 (a) **SUSPENSION.**—Section 610 of the Foreign Serv-  
24 ice Act of 1980 (22 U.S.C. 4010) is amended by adding  
25 at the end the following new subsection:

1       “(c)(1) The Secretary may suspend a member of the  
2 Foreign Service without pay when there is reasonable  
3 cause to believe that the member has committed a crime  
4 for which a sentence of imprisonment may be imposed and  
5 there is a connection between the conduct and the effi-  
6 ciency of the Foreign Service.

7       “(2) Any member of the Foreign Service for which  
8 a suspension is proposed shall be entitled to—

9           “(A) written notice stating the specific reasons  
10 for the proposed suspension;

11           “(B) a reasonable time to respond orally and in  
12 writing to the proposed suspension;

13           “(C) representation by an attorney or other  
14 representative; and

15           “(D) a final written decision, including the spe-  
16 cific reasons for such decision, as soon as prac-  
17 ticable.

18       “(3) Any member suspended under this section may  
19 file a grievance in accordance with the procedures applica-  
20 ble to grievances under chapter 11 of this title.

21       “(4) In the case of a grievance filed under paragraph  
22 (3)—

23           “(A) the review by the Foreign Service Griev-  
24 ance Board shall be limited to a determination of  
25 whether the reasonable cause requirement has been

1 fulfilled and whether there is a connection between  
2 the conduct and the efficiency of the Foreign Serv-  
3 ice; and

4 “(B) the Foreign Service Grievance Board may  
5 not exercise the authority provided under section  
6 1106(8) of the Act (22 U.S.C. 4136(8)).

7 “(5) In this subsection:

8 “(A) The term ‘reasonable time’ means—

9 “(i) with respect to a member of the For-  
10 eign Service assigned to duty in the United  
11 States, 15 days after receiving notice of the  
12 proposed suspension; and

13 “(ii) with respect to a member of the For-  
14 eign Service assigned to duty outside the  
15 United States, 30 days after receiving notice of  
16 the proposed suspension.

17 “(B) The term ‘suspend’ or ‘suspension’ means  
18 the placing of a member of the Foreign Service, for  
19 disciplinary reasons, in a temporary status without  
20 duties.”.

21 (b) CONFORMING AND CLERICAL AMENDMENTS.—

22 (1) AMENDMENT OF SECTION HEADING.—Such  
23 section, as amended by subsection (a), is further  
24 amended *in the section heading* by inserting “; **SUS-**  
25 **PENSION**” before the period at the end.



1           (2) CLERICAL AMENDMENT.—The item relating  
2           to such section in the table of contents in section 2  
3           of such Act is amended to read as follows:

“Sec. 610. Separation for cause; suspension.”.

4 **SEC. 307. CLAIMS FOR LOST PAY.**

5           (a) IN GENERAL.—Section 2 of the State Depart-  
6           ment Basic Authorities Act of 1956 (22 U.S.C. 2669) is  
7           amended by adding at the end the following:

8                   “(o) make administrative corrections or adjust-  
9                   ments to an employee’s pay, allowances, or differen-  
10                  tials, resulting from mistakes or retroactive per-  
11                  sonnel actions, as well as provide back pay and other  
12                  categories of payments under section 5596 of title 5,  
13                  United States Code, as part of the settlement or  
14                  compromise of administrative claims or grievances  
15                  filed against the Department.”.

16           (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
17           Such section is further amended—

18                   (1) in subsection (k), by striking “and”;

19                   (2) by transferring subsection (m) within such  
20                  section to appear after subsection (l);

21                   (3) in subsections (l) and (m), by striking the  
22                  period at the end of each subsection and inserting  
23                  a semicolon; and

24                   (4) in subsection (n), by striking the period at  
25                  the end and inserting a semicolon and “and”.

1 **SEC. 308. REPEAL OF REQUIREMENT FOR RECERTIFI-**  
2 **CATION PROCESS FOR MEMBERS OF THE**  
3 **SENIOR FOREIGN SERVICE.**

4 Section 305(d) of the Foreign Service Act of 1980  
5 (22 U.S.C. 3945(d)) is repealed.

6 **SEC. 309. DEADLINE FOR ISSUANCE OF REGULATIONS RE-**  
7 **GARDING RETIREMENT CREDIT FOR GOV-**  
8 **ERNMENT SERVICE PERFORMED ABROAD.**

9 Section 321(f) of the Foreign Relations Authorization  
10 Act, Fiscal Year 2003 (5 U.S.C. 8411 note) is amended  
11 by inserting “, not later than 60 days after the date of  
12 the enactment of the Foreign Relations Authorization Act,  
13 Fiscal Year 2005,” after “regulations”.

14 **SEC. 310. SEPARATION OF LOWEST RANKED FOREIGN**  
15 **SERVICE MEMBERS.**

16 Section 2311(b)(1) of the Foreign Relations Author-  
17 ization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 4010  
18 note) is amended—

19 (1) by striking “Not later than 90 days after  
20 the date of enactment of this Act, the” and inserting  
21 “The”;

22 (2) by striking “5 percent” and inserting “2  
23 percent”; and

24 (3) by striking “for 2 or more of the 5 years  
25 preceding the date of enactment of this Act” and in-  
26 serting “at least twice in any 5-year period”.

1 **SEC. 311. DISCLOSURE REQUIREMENTS APPLICABLE TO**  
2 **PROPOSED RECIPIENTS OF THE PERSONAL**  
3 **RANK OF AMBASSADOR OR MINISTER.**

4 Section 302(a)(2)(B)(ii)(IV) of the Foreign Service  
5 Act of 1980 (22 U.S.C. 3942(a)(2)(B)(ii)(IV)) is amended  
6 by inserting before the period at the end the following:  
7 “, including information that is required to be disclosed  
8 on the Standard Form 278, or any successor financial dis-  
9 closure report”.

10 **SEC. 312. PROVISION OF LIVING QUARTERS AND ALLOW-**  
11 **ANCES TO THE UNITED STATES REPRESENT-**  
12 **ATIVES TO THE UNITED NATIONS.**

13 Section 9 of the United Nations Participation Act of  
14 1945 (22 U.S.C. 287e–1) is amended to read as follows:

15 “SEC. 9. (a) The Secretary of State may, under such  
16 regulations as the Secretary shall prescribe, and notwith-  
17 standing subsections (a) and (b) of section 3324 of title  
18 31, United States Code, and section 5536 of title 5,  
19 United States Code—

20 “(1) make available to the Permanent Rep-  
21 resentative of the United States to the United Na-  
22 tions and the Deputy Permanent Representative of  
23 the United States to the United Nations—

24 “(A) living quarters leased or rented by  
25 the United States for a period that does not ex-  
26 ceed 10 years; and

1           “(B) allowances for unusual expenses inci-  
2           dent to the operation and maintenance of such  
3           living quarters that are similar to expenses au-  
4           thorized to be funded by section 5913 of title  
5           5, United States Code;

6           “(2) make available living quarters in New  
7           York leased or rented by the United States for a pe-  
8           riod of not more than 10 years to—

9           “(A) not more than 40 members of the  
10           Foreign Service assigned to the United States  
11           Mission to the United Nations or other United  
12           States representatives to the United Nations;  
13           and

14           “(B) not more than 2 employees who serve  
15           at the pleasure of the Permanent Representa-  
16           tive of the United States to the United Nations;  
17           and

18           “(3) provide an allowance, as the Secretary con-  
19           siders appropriate, to each Delegate and Alternate  
20           Delegate of the United States to any session of the  
21           General Assembly of the United Nations who is not  
22           a permanent member of the staff of the United  
23           States Mission to the United Nations, in order to  
24           compensate each such Delegate or Alternate Dele-

1 gate for necessary housing and subsistence expenses  
2 with respect to attending any such session.

3 “(b) The Secretary *of State* may not make available  
4 living quarters or allowances under subsection (a) to an  
5 employee who is occupying living quarters that are owned  
6 by such employee.

7 “(c) Living quarters and allowances provided under  
8 subsection (a) shall be considered for all purposes as au-  
9 thorized—

10 “(1) by chapter 9 of title I of the Foreign Serv-  
11 ice Act of 1980; and

12 “(2) by section 5913 of title 5, United States  
13 Code.

14 “(d) The Inspector General for the Department of  
15 State and the Broadcasting Board of Governors shall peri-  
16 odically review the administration of this section with a  
17 view to achieving cost savings and developing appropriate  
18 recommendations to make to the Secretary of State re-  
19 garding the administration of this section.”.

20 **SEC. 313. PAY FOR PERFORMANCE FOR THE SENIOR FOR-**  
21 **EIGN SERVICE.**

22 *(a) IN GENERAL.—Section 402(a) of the Foreign Serv-*  
23 *ice Act of 1980 (22 U.S.C. 3962(a)) is amended—*

24 *(1) in paragraph (1), by striking the second and*  
25 *third sentences and inserting the following new sen-*

1        *tences: “The President shall also prescribe ranges of*  
2        *basic salary rates for each class. Except as provided*  
3        *in paragraph (3), basic salary rates for the Senior*  
4        *Foreign Service may not exceed the maximum rate or*  
5        *be less than the minimum rate of basic pay payable*  
6        *for the Senior Executive Service under section 5382*  
7        *of title 5, United States Code.”; and*

8                *(2) by striking paragraph (2) and inserting the*  
9        *following new paragraphs:*

10        *“(2) The Secretary shall determine which basic salary*  
11        *rate within the ranges prescribed by the President under*  
12        *paragraph (1) shall be paid to each member of the Senior*  
13        *Foreign Service based on individual performance, contribu-*  
14        *tion to the mission of the Department, or both, as deter-*  
15        *mined under a rigorous performance management system.*  
16        *Except as provided in regulations prescribed by the Sec-*  
17        *retary and, to the extent possible, consistent with regula-*  
18        *tions governing the Senior Executive Service, the Secretary*  
19        *may adjust the basic salary rate of a member of the Senior*  
20        *Foreign Service not more than once during any 12-month*  
21        *period.*

22        *“(3) Upon a determination by the Secretary that the*  
23        *Senior Foreign Service performance appraisal system, as*  
24        *designed and applied, makes meaningful distinctions based*  
25        *on relative performance—*

1           “(A) the maximum rate of basic pay payable for  
2       the Senior Foreign Service shall be level II of the Ex-  
3       ecutive Schedule; and

4           “(B) the applicable aggregate pay cap shall be  
5       equivalent to the aggregate pay cap set forth in sec-  
6       tion 5307(d)(1) of title 5, United States Code, for  
7       members of the Senior Executive Service.”.

8       (b) *LIMITATION ON PAY.*—Section 405(b)(4) of such  
9       Act (22 U.S.C. 3965(b)(4)) is amended by inserting before  
10      the period the following: “, or the limitation under section  
11      402(a)(3), whichever is higher”.

12      (c) *COMMENSURATE CAP ON SALARIES OF CHIEFS OF*  
13      *MISSION.*—Section 401(a) of such Act (22 U.S.C. 3961(a))  
14      is amended by striking “shall not exceed the annual rate  
15      of pay payable for level I of such Executive Schedule” and  
16      inserting “shall be subject to the limitation on certain pay-  
17      ments under section 5307 of title 5, United States Code,  
18      or the limitation under section 402(a)(3), whichever is high-  
19      er”.

20      **SEC. 314. CLARIFICATION OF FOREIGN SERVICE GRIEV-**  
21                      **ANCE BOARD PROCEDURES.**

22           Section 1106(8) of the Foreign Service Act of 1980 (22  
23      U.S.C. 4136(8)) is amended in the first sentence—

24           (1) by inserting “the involuntary separation of  
25      the grievant (other than an involuntary separation

1       *for cause under section 610(a),” after “considering”;*  
2       *and*

3               *(2) by striking “the grievant or” and inserting*  
4       *“the grievant, or”.*

5       **SEC. 315. REFUGEE RESPONSE TEAMS.**

6       *(a) ESTABLISHMENT.—In order to make the processing*  
7       *of refugees more efficient and effective, enhance the quality*  
8       *of refugee resettlement programs, and augment the capacity*  
9       *of the United States Government to identify, process, assist,*  
10       *and counsel individuals for eventual adjudication by the*  
11       *Department of Homeland Security as refugees, the Sec-*  
12       *retary shall consider establishing and utilizing the services*  
13       *of Refugee Response Teams (RRTs). Refugee Response*  
14       *Teams shall be coordinated by the Assistant Secretary of*  
15       *State for Population, Refugees, and Migration Affairs, or*  
16       *the Assistant Secretary’s designee.*

17       *(b) COMPOSITION.—Refugee Response Teams shall be*  
18       *comprised of representatives of private, voluntary organiza-*  
19       *tions that have experience in refugee law, policy, and pro-*  
20       *grams.*

21       *(c) RESPONSIBILITIES OF RRTS.—Refugee Response*  
22       *Teams shall be responsible for—*

23               *(1) monitoring refugee situations, with a view*  
24       *toward identifying those refugees whose best durable*  
25       *solution is third country resettlement;*



1           (2) *preparing profiles and documentation for re-*  
2           *settlement consideration by the United States Govern-*  
3           *ment;*

4           (3) *augmenting or establishing an overseas oper-*  
5           *ation, especially in response to urgent developments*  
6           *requiring quick responses or more staff resources than*  
7           *are available in the existing processing entities;*

8           (4) *assisting with training and technical assist-*  
9           *ance to existing international organizations and other*  
10          *processing entities; and*

11          (5) *such other responsibilities as may be deter-*  
12          *mined by the Secretary.*

13          (d) *RESPONSIBILITIES OF THE SECRETARY.—The Sec-*  
14          *retary shall establish appropriate training seminars for*  
15          *RRTs in situations where existing mechanisms are unable*  
16          *to identify and process refugees in a timely manner.*

17          (e) *PERFORMANCE STANDARDS.—In consultation with*  
18          *private, voluntary organizations and nongovernmental or-*  
19          *ganizations, the Secretary shall establish performance*  
20          *standards to ensure accountability and effectiveness in the*  
21          *tasks described in subsection (a).*

1           **TITLE IV—INTERNATIONAL**  
2                           **ORGANIZATIONS**

3   **SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF**  
4                           **ASSESSMENTS FOR UNITED NATIONS PEACE-**  
5                           **KEEPING OPERATIONS AFTER CALENDAR**  
6                           **YEAR 2004.**

7           Section 404(b)(2)(B) of the Foreign Relations Au-  
8   thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.  
9   287e note) is amended by adding at the end the following  
10   new clause:

11                           “(v) For assessments made during a  
12                           calendar year after calendar year 2004,  
13                           27.40 percent.”.

14   **SEC. 402. REPORT TO CONGRESS ON IMPLEMENTATION OF**  
15                           **THE BRAHIMI REPORT.**

16           (a) REQUIREMENT.—Not later than 120 days after  
17   the date of the enactment of this Act, the Secretary shall  
18   submit to the appropriate congressional committees a re-  
19   port assessing the progress made to implement the rec-  
20   ommendations set out in the Report of the Panel on  
21   United Nations Peace Operations, transmitted from the  
22   Secretary General of the United Nations to the President  
23   of the General Assembly and the President of the Security  
24   Council on August 21, 2000 (referred to in this section  
25   as the “Report”).

1 (b) CONTENT.—The report required by subsection

2 (a) shall include—

3 (1) an assessment of the United Nations  
4 progress toward implementing the recommendations  
5 set out in the Report;

6 (2) a description of the progress made toward  
7 strengthening the capability of the United Nations  
8 to deploy a civilian police force and rule of law  
9 teams on an emergency basis at the request of the  
10 United Nations Security Council; and

11 (3) a description of the policies, programs, and  
12 strategies of the United States Government that  
13 support the implementation of the recommendations  
14 set out in the Report, especially in the areas of civil-  
15 ian police and rule of law.

16 **SEC. 403. MEMBERSHIP ON UNITED NATIONS COUNCILS**  
17 **AND COMMISSIONS.**

18 (a) IN GENERAL.—Section 408 of the Department of  
19 State Authorization Act, Fiscal Year 2003 (22 U.S.C. 287  
20 note) is amended—

21 (1) by striking “and” at the end of paragraph

22 (2);

23 (2) by striking paragraph (3) and inserting the  
24 following:

1           “(3) to prevent membership on the United Na-  
2           tions Commission on Human Rights or the United  
3           Nations Security Council by—

4                   “(A) any member nation the government  
5                   of which, in the judgment of the Secretary,  
6                   based on the Department’s Annual Country Re-  
7                   ports on Human Rights and the Annual Report  
8                   on International Report on Religious Freedom,  
9                   consistently violates internationally recognized  
10                  human rights or has engaged in or tolerated  
11                  particularly severe violations of religious free-  
12                  dom in that country; or

13                  “(B) any member nation the government  
14                  of which, as determined by the Secretary—

15                           “(i) is a sponsor of terrorism; or

16                           “(ii) is the subject of United Nations  
17                           sanctions; and”; and

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

20                   “(4) to advocate that the government of any  
21                   member nation that the Secretary determines is a  
22                   sponsor of terrorism or is the subject of United Na-  
23                   tions sanctions is not elected to a leadership position  
24                   in the United Nations General Assembly, the United  
25                   Nations Commission on Human Rights, the United

1 Nations Security Council, or any other entity of the  
2 United Nations.”.

3 (b) CONFORMING AMENDMENT.—The heading of sec-  
4 tion 408 is amended to read as follows:

5 **“SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMIS-**  
6 **SIONS AND COUNCILS AND THE INTER-**  
7 **NATIONAL NARCOTICS CONTROL BOARD.”.**

8 **TITLE V—DESIGNATION OF FOR-**  
9 **EIGN TERRORIST ORGANIZA-**  
10 **TIONS**

11 **SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANI-**  
12 **ZATIONS.**

13 (a) PERIOD OF DESIGNATION.—Section 219(a)(4) of  
14 the Immigration and Nationality Act (8 U.S.C.  
15 1189(a)(4)) is amended—

16 (1) in subparagraph (A)—

17 (A) by striking “Subject to paragraphs (5)  
18 and (6), a” and inserting “A”; and

19 (B) by striking “for a period of 2 years be-  
20 ginning on the effective date of the designation  
21 under paragraph (2)(B)” and inserting “until  
22 revoked under paragraph (5) or (6) or set aside  
23 pursuant to subsection (c)”;

24 (2) by striking subparagraph (B) and inserting  
25 the following:

1                   “(B) REVIEW OF DESIGNATION UPON PE-  
2                   TITION.—

3                   “(i) IN GENERAL.—The Secretary  
4                   shall review the designation of a foreign  
5                   terrorist organization under the procedures  
6                   set forth in clauses (iii) and (iv) if the des-  
7                   ignated organization files a petition for  
8                   revocation within the petition period after  
9                   described in clause (ii).

10                  “(ii) PETITION PERIOD.—For pur-  
11                  poses of clause (i)—

12                   “(I) if the designated organiza-  
13                   tion has not previously filed a petition  
14                   for revocation under this subpara-  
15                   graph, the petition period begins 2  
16                   years after the date on which the des-  
17                   ignation was made; or

18                   “(II) if the designated organiza-  
19                   tion has previously filed a petition for  
20                   revocation under this subparagraph,  
21                   the petition period begins 2 years  
22                   after the date of the determination  
23                   made under clause (iv) on that peti-  
24                   tion.

1           “(iii) PROCEDURES.—Any foreign ter-  
2           rorist organization that submits a petition  
3           for revocation under this subparagraph  
4           must provide evidence in that petition that  
5           the relevant circumstances described in  
6           paragraph (1) have changed in such a  
7           manner as to warrant revocation with re-  
8           spect to the organization.

9           “(iv) DETERMINATION.—

10           “(I) IN GENERAL.—Not later  
11           than 180 days after receiving a peti-  
12           tion for revocation submitted under  
13           this subparagraph, the Secretary shall  
14           make a determination as to such rev-  
15           ocation.

16           “(II) CLASSIFIED INFORMA-  
17           TION.—The Secretary may consider  
18           classified information in making a de-  
19           termination in response to a petition  
20           for revocation. Classified information  
21           shall not be subject to disclosure for  
22           such time as it remains classified, ex-  
23           cept that such information may be  
24           disclosed to a court ex parte and in

1 camera for purposes of judicial review  
2 under subsection (c).

3 “(III) PUBLICATION OF DETER-  
4 MINATION.—A determination made by  
5 the Secretary under this clause shall  
6 be published in the Federal Register.

7 “(IV) PROCEDURES.—Any rev-  
8 ocation by the Secretary shall be  
9 made in accordance with paragraph  
10 (6).”; and

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

12 “(C) OTHER REVIEW OF DESIGNATION.—

13 “(i) IN GENERAL.—If in a 4-year pe-  
14 riod no review has taken place under sub-  
15 paragraph (B), the Secretary shall review  
16 the designation of the foreign terrorist or-  
17 ganization in order to determine whether  
18 such designation should be revoked pursu-  
19 ant to paragraph (6). Such review shall be  
20 completed not later than 180 days after  
21 the end of such 4-year period.

22 “(ii) PROCEDURES.—If a review does  
23 not take place pursuant to subparagraph  
24 (B) in response to a petition for revocation  
25 that is filed in accordance with that sub-



1 paragraph, then the review shall be con-  
2 ducted pursuant to procedures established  
3 by the Secretary. The results of such re-  
4 view and the applicable procedures shall  
5 not be reviewable in any court.

6 “(iii) PUBLICATION OF RESULTS OF  
7 REVIEW.—The Secretary shall publish any  
8 determination made pursuant to this sub-  
9 paragraph in the Federal Register.”.

10 (b) ALIASES.—Section 219 of the Immigration and  
11 Nationality Act (8 U.S.C. 1189), as amended by sub-  
12 section (a), is further amended—

13 (1) by redesignating subsections (b) and (c) as  
14 subsections (c) and (d), respectively; and

15 (2) by inserting after subsection (a) the fol-  
16 lowing new subsection (b):

17 “(b) AMENDMENTS TO A DESIGNATION.—

18 “(1) IN GENERAL.—The Secretary may amend  
19 a designation under this subsection if the Secretary  
20 finds that the organization has changed its name,  
21 adopted a new alias, dissolved and then reconsti-  
22 tuted itself under a different name or names, or  
23 merged with another organization.

24 “(2) PROCEDURE.—Amendments made to a  
25 designation in accordance with paragraph (1) shall

1 be effective upon publication in the Federal Register.  
2 Subparagraphs (B) and (C) of subsection (a)(2)  
3 shall apply to an amended designation upon such  
4 publication. Paragraphs (2)(A)(i), (4), (5), (6), (7),  
5 and (8) of subsection (a) shall also apply to an  
6 amended designation.

7 “(3) ADMINISTRATIVE RECORD.—The adminis-  
8 trative record shall be corrected to include the  
9 amendments as well as any additional relevant infor-  
10 mation that supports those amendments.

11 “(4) CLASSIFIED INFORMATION.—The Sec-  
12 retary may consider classified information in amend-  
13 ing a designation in accordance with this subsection.  
14 Classified information shall not be subject to disclo-  
15 sure for such time as it remains classified, except  
16 that such information may be disclosed to a court ex  
17 parte and in camera for purposes of judicial review  
18 under subsection (c).”.

19 (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
20 Section 219 of the Immigration and Nationality Act (8  
21 U.S.C. 1189), as amended by subsection (b), is further  
22 amended—

23 (1) in subsection (a)—

24 (A) in paragraph (3)(B), by striking “sub-  
25 section (b)” and inserting “subsection (c)”;

1 (B) in paragraph (6)(A)—

2 (i) in the matter preceding clause (i),  
3 by striking “or a redesignation made under  
4 paragraph (4)(B)” and inserting “at any  
5 time, and shall revoke a designation upon  
6 completion of a review conducted pursuant  
7 to subparagraphs (B) and (C) of para-  
8 graph (4)”; and

9 (ii) in clause (i), by striking “or redesi-  
10 gnation”;

11 (C) in paragraph (7), by striking “, or the  
12 revocation of a redesignation under paragraph  
13 (6),”; and

14 (D) in paragraph (8)—

15 (i) by striking “, or if a redesignation  
16 under this subsection has become effective  
17 under paragraph (4)(B),”; and

18 (ii) by striking “or redesignation”;

19 and

20 (2) in subsection (c), as so redesignated—

21 (A) in paragraph (1), by striking “of the  
22 designation in the Federal Register,” and all  
23 that follows through “review of the designa-  
24 tion” and inserting “in the Federal Register of  
25 a designation, an amended designation, or a de-

1 termination in response to a petition for revoca-  
2 tion, the designated organization may seek judi-  
3 cial review”;

4 (B) in paragraph (2), by inserting  
5 “, amended designation, or determination in re-  
6 sponse to a petition for revocation” after “des-  
7 ignation”;

8 (C) in paragraph (3), by inserting  
9 “, amended designation, or determination in re-  
10 sponse to a petition for revocation” after “des-  
11 ignation”; and

12 (D) in paragraph (4), by inserting  
13 “, amended designation, or determination in re-  
14 sponse to a petition for revocation” after “des-  
15 ignation” each place that term appears.

16 (d) SAVINGS PROVISION.—For purposes of applying  
17 section 219 of the Immigration and Nationality Act (8  
18 U.S.C. 1189) on or after the date of enactment of this  
19 Act, the term “designation”, as used in that section, in-  
20 cludes all redesignations made pursuant to section  
21 219(a)(4)(B) of the Immigration and Nationality Act (8  
22 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of  
23 this Act, and such redesignations shall continue to be ef-  
24 fective until revoked as provided in paragraph (5) or (6)

1 of section 219(a) of the Immigration and Nationality Act  
2 (8 U.S.C. 1189(a) (5) or (6)).

3 **TITLE VI—STRENGTHENING**  
4 **UNITED STATES OUTREACH**  
5 **Subtitle A—Public Diplomacy**

6 **SEC. 601. PLANS, REPORTS, AND BUDGET DOCUMENTS.**

7 (a) REQUIREMENTS UNDER THE UNITED STATES  
8 INFORMATION AND EDUCATIONAL EXCHANGE ACT OF  
9 1948.—

10 (1) REQUIREMENTS.—Section 502 of the  
11 United States Information and Educational Ex-  
12 change Act of 1948 (22 U.S.C. 1462) is amended to  
13 read as follows:

14 “SEC. 502. (a) INTERNATIONAL INFORMATION  
15 STRATEGY.—The President shall develop and report to  
16 the Committee on Foreign Relations of the Senate and  
17 the Committee on International Relations of the House  
18 of Representatives an international information strategy.  
19 The international information strategy shall consist of  
20 public information plans designed for major regions of the  
21 world, including a focus on regions with significant Mus-  
22 lim populations.

23 “(b) NATIONAL SECURITY STRATEGY.—In the prepa-  
24 ration of the annual report required by section 108 of the  
25 National Security Act of 1947 (50 U.S.C. 404a), the

1 President shall ensure that the report includes a com-  
2 prehensive discussion of how public diplomacy activities  
3 are integrated into the national security strategy of the  
4 United States, and how such activities are designed to ad-  
5 vance the goals and objectives identified in the report pur-  
6 suant to section 108(b)(1) of that Act.

7 “(c) PLANS REGARDING DEPARTMENT ACTIVI-  
8 TIES.—

9 “(1) STRATEGIC PLAN.—In the updated and re-  
10 vised strategic plan for program activities of the De-  
11 partment required to be submitted under section  
12 306 of title 5, United States Code, the Secretary  
13 shall identify how public diplomacy activities of the  
14 Department are designed to advance each strategic  
15 goal identified in the plan.

16 “(2) ANNUAL PERFORMANCE PLAN.—The Sec-  
17 retary shall ensure that each annual performance  
18 plan for the Department required by section 1115 of  
19 title 31, United States Code, includes a detailed dis-  
20 cussion of public diplomacy activities of the Depart-  
21 ment.

22 “(3) BUREAU AND MISSION PERFORMANCE  
23 PLAN.—The Secretary shall ensure that each re-  
24 gional bureau’s performance plan, and other bureau  
25 performance plans as appropriate, and each mission

1 performance plan, under regulations of the Depart-  
2 ment, includes a public diplomacy component.”.

3 (2) CONFORMING AMENDMENT.—The heading  
4 for such section is amended to read as follows:

5 “PLANS, REPORTS, AND BUDGET DOCUMENTS”.

6 (b) DEADLINE FOR REPORTING INTERNATIONAL IN-  
7 FORMATION STRATEGY.—Not later than 180 days after  
8 the date of the enactment of this Act, the President shall  
9 report to the appropriate congressional committees the  
10 international information strategy described in subsection  
11 (a) of section 502 of the United States Information and  
12 Educational Exchange Act of 1948 (22 U.S.C. 1462), as  
13 amended by subsection (a).

14 **SEC. 602. TRAINING.**

15 (a) IN GENERAL.—Chapter 7 of title I of the Foreign  
16 Service Act of 1980 (22 U.S.C. 4021 et seq.) is amended  
17 by adding at the end the following new section:

18 **“SEC. 709. PUBLIC DIPLOMACY TRAINING.**

19 “The Secretary shall ensure that public diplomacy is  
20 an important component of training at all levels of the  
21 Foreign Service.”.

22 (b) JUNIOR OFFICER TRAINING.—Section 703(b) of  
23 the Foreign Service Act of 1980 (22 U.S.C. 4023(b)) is  
24 amended in the first sentence by inserting “public diplo-  
25 macy,” before “consular”.

26 (c) AMENDMENTS TO TABLE OF CONTENTS.—

1           (1) CONFORMING AMENDMENT.—The table of  
2           contents in section 2 of the Foreign Service Act of  
3           1980 is amended by inserting at the end of items re-  
4           lating to chapter 7 the following new item:

“Sec. 709. Public diplomacy training.”.

5           (2) TECHNICAL AMENDMENT.—Such table of  
6           contents is further amended by inserting after the  
7           item relating to section 707 the following new item:

“Sec. 708. Training for Foreign Service officers.”.

8   **SEC. 603. REPORT ON FOREIGN LANGUAGE BRIEFINGS.**

9           Not later than 90 days after the date of enactment  
10          of this Act, the Secretary shall submit a report to the ap-  
11          propriate congressional committees containing an evalua-  
12          tion of the feasibility of conducting regular, televised brief-  
13          ings by personnel of the Department about United States  
14          foreign policy in major foreign languages, including Ara-  
15          bic, Farsi, Chinese, French, and Spanish.

16   **Subtitle B—Strengthening United**  
17   **States Educational and Cultural**  
18   **Exchange Programs in the Is-**  
19   **lamic World**

20   **SEC. 611. DEFINITIONS.**

21          In this subtitle:

22           (1) ELIGIBLE COUNTRY.—The term “eligible  
23           country” means a country or entity in Africa, the  
24           Middle East, South Asia, or Southeast Asia that—



1           (A) has a significant Muslim population;  
2           and

3           (B) is designated by the Secretary as an  
4           eligible country.

5           (2) SECONDARY SCHOOL.—The term “sec-  
6           ondary school” means a school that serves students  
7           in any of grades 9 through 12 or equivalent grades  
8           in a foreign education system, as determined by the  
9           Secretary, in consultation with the Secretary of Edu-  
10          cation.

11          (3) UNITED STATES ENTITY.—The term  
12          “United States entity” means an entity that is orga-  
13          nized under laws of a State, the District of Colum-  
14          bia, the Commonwealth of Puerto Rico, Guam, the  
15          United States Virgin Islands, the Commonwealth of  
16          the Northern Mariana Islands, or American Samoa.

17          (4) UNITED STATES SPONSORING ORGANIZA-  
18          TION.—The term “United States sponsoring organi-  
19          zation” means a nongovernmental organization  
20          based in the United States and controlled by a cit-  
21          izen of the United States or a United States entity  
22          that is designated by the Secretary, pursuant to reg-  
23          ulations, to carry out a program authorized by sec-  
24          tion 612.

1 **SEC. 612. EXPANSION OF EDUCATIONAL AND CULTURAL**  
2 **EXCHANGES.**

3 (a) STATEMENT OF POLICY.—The purpose of this  
4 section is to provide for the expansion of international  
5 educational and cultural exchange programs with eligible  
6 countries.

7 (b) SPECIFIC PROGRAMS.—In carrying out the pur-  
8 pose of this section, the Secretary is authorized to conduct  
9 or initiate the following programs in eligible countries:

10 (1) FULBRIGHT EXCHANGE PROGRAM.—The  
11 Secretary is authorized to substantially increase the  
12 number of awards under the J. William Fulbright  
13 Educational Exchange Program. The Secretary shall  
14 take all appropriate steps to increase support for  
15 such program in eligible countries in order to en-  
16 hance academic and scholarly exchanges with those  
17 countries.

18 (2) HUBERT H. HUMPHREY FELLOWSHIPS.—  
19 The Secretary is authorized to substantially increase  
20 the number of Hubert H. Humphrey Fellowships  
21 awarded to candidates from eligible countries.

22 (3) SISTER INSTITUTIONS PROGRAMS.—The  
23 Secretary is authorized to encourage the establish-  
24 ment of “sister institution” programs between  
25 United States and foreign institutions (including cit-  
26 ies and municipalities) in eligible countries, in order

1 to enhance mutual understanding at the community  
2 level.

3 (4) LIBRARY TRAINING EXCHANGES.—The Sec-  
4 retary is authorized to develop a demonstration pro-  
5 gram to assist governments in eligible countries to  
6 establish or upgrade their public library systems to  
7 improve literacy. The program may include training  
8 in the library sciences.

9 (5) INTERNATIONAL VISITORS PROGRAM.—The  
10 Secretary is authorized to expand the number of  
11 participants in the International Visitors Program  
12 from eligible countries.

13 (6) YOUTH AMBASSADORS.—The Secretary is  
14 authorized to establish a program for visits by mid-  
15 dle and secondary school students to the United  
16 States during school holidays in their home country  
17 for periods not to exceed 4 weeks. Participating stu-  
18 dents shall reflect the economic and geographic di-  
19 versity of their countries. Activities shall include cul-  
20 tural and educational activities designed to famil-  
21 iarize participating students with American society  
22 and values.

23 (7) EDUCATIONAL REFORM.—The Secretary is  
24 authorized to enhance programs that seek to im-  
25 prove the quality of primary and secondary school

1 systems in eligible countries and promote civic edu-  
2 cation, to foster understanding of the United States,  
3 and through teacher exchanges, teacher training,  
4 textbook modernization, and other efforts.

5 (8) PROMOTION OF RELIGIOUS FREEDOM.—The  
6 Secretary is authorized to establish a program to  
7 promote dialogue and exchange among leaders and  
8 scholars of all faiths from the United States and eli-  
9 gible countries.

10 (9) BRIDGING THE DIGITAL DIVIDE.—The Sec-  
11 retary is authorized to establish a program to help  
12 foster access to information technology among un-  
13 derserved populations and civil society groups in eli-  
14 gible countries.

15 (10) SPORTS DIPLOMACY.—The Secretary is  
16 authorized to expand efforts to promote United  
17 States public diplomacy interests in eligible countries  
18 and elsewhere through sports diplomacy. Initiatives  
19 under this program may include—

20 (A) bilateral exchanges to train athletes or  
21 teams;

22 (B) bilateral exchanges to assist countries  
23 in establishing or improving their sports,  
24 health, or physical education programs;

1 (C) providing assistance to athletic gov-  
2 erning bodies in the United States to support  
3 efforts of such organizations to foster coopera-  
4 tion with counterpart organizations abroad; and

5 (D) utilizing United States professional  
6 athletes and other well-known United States  
7 sports personalities in support of public diplo-  
8 macy goals and activities.

9 (11) COLLEGE SCHOLARSHIPS.—

10 (A) IN GENERAL.—The Secretary is au-  
11 thorized to establish a program to offer scholar-  
12 ships to permit an individual to attend an eligi-  
13 ble college or university if such individual—

14 (i) has graduated from secondary  
15 school; and

16 (ii) is a citizen or resident of an eligi-  
17 ble country.

18 (B) ELIGIBLE COLLEGE OR UNIVERSITY  
19 DEFINED.—In this paragraph the term “eligible  
20 college or university” means a college or univer-  
21 sity that—

22 (i) is primarily located in an eligible  
23 country;

1 (ii) is organized under laws of the  
2 United States, a State, or the District of  
3 Columbia;

4 (iii) is accredited by an accrediting  
5 agency recognized by the Secretary of Edu-  
6 cation; and

7 (iv) is not controlled by the govern-  
8 ment of an eligible country.

9 **SEC. 613. SECONDARY EXCHANGE PROGRAM.**

10 (a) IN GENERAL.—The Secretary is authorized to es-  
11 tablish an international exchange visitor program, modeled  
12 on the Future Leaders Exchange Program *established*  
13 *under the FREEDOM Support Act (22 U.S.C. 5801 et seq.)*,  
14 under which eligible secondary school students from eligi-  
15 ble countries would—

16 (1) attend public secondary school in the  
17 United States;

18 (2) live with a host family in the United States;

19 and

20 (3) participate in activities designed to promote  
21 a greater understanding of United States and Is-  
22 lamic values and culture.

23 (b) ELIGIBILITY CRITERIA FOR STUDENTS.—A stu-  
24 dent is eligible to participate in the program authorized  
25 under subsection (a) if the student—

1           (1) is from an eligible country;

2           (2) is at least 15 years of age but not more  
3 than 18 years and 6 months of age at the time of  
4 enrollment in the program;

5           (3) is enrolled in a secondary school in an eligi-  
6 ble country;

7           (4) has completed not more than 11 years of  
8 primary and secondary education, exclusive of kin-  
9 dergarten;

10          (5) demonstrates maturity, good character, and  
11 scholastic aptitude, and has the proficiency in the  
12 English language necessary to participate in the pro-  
13 gram;

14          (6) has not previously participated in an ex-  
15 change program in the United States sponsored by  
16 the United States Government; and

17          (7) is not inadmissible under the Immigration  
18 and Nationality Act (8 U.S.C. 1101 et seq.) or any  
19 other law related to immigration and nationality.

20          (c) PROGRAM REQUIREMENTS.—The program au-  
21 thorized by subsection (a) shall satisfy the following re-  
22 quirements:

23           (1) COMPLIANCE WITH “J” VISA REQUIRE-  
24 MENTS.—Participants in the program shall satisfy  
25 all requirements applicable to the admission of non-

1 immigrant aliens described in section 101(a)(15)(J)  
2 of the Immigration and Nationality Act (8 U.S.C.  
3 1101(a)(15)(J)). The program shall be considered a  
4 designated exchange visitor program for purposes of  
5 the application of section 641 of the Illegal Immi-  
6 gration Reform and Immigrant Responsibility Act of  
7 1996 (8 U.S.C. 1372).

8 (2) BROAD PARTICIPATION.—Whenever appro-  
9 priate, special provisions shall be made to ensure the  
10 broadest possible participation in the program, par-  
11 ticularly among females and less advantaged citizens  
12 of eligible countries.

13 (3) REGULAR REPORTING TO THE SEC-  
14 RETARY.—Each United States sponsoring organiza-  
15 tion shall report regularly to the Secretary informa-  
16 tion about the progress made by the organization in  
17 implementation of the program.

18 **SEC. 614. AUTHORIZATION OF APPROPRIATIONS.**

19 Of the amounts authorized to be appropriated for  
20 educational and cultural exchange programs under section  
21 102(a), there is authorized to be made available to the  
22 Department \$30,000,000 for the fiscal year 2005 to carry  
23 out programs authorized by this subtitle.



## 1     **Subtitle C—Fellowship Program**

### 2     **SEC. 621. SHORT TITLE.**

3           This subtitle may be cited as the “Edward R. Murrow  
4 Fellowship Act”.

### 5     **SEC. 622. FELLOWSHIP PROGRAM.**

6           (a) ESTABLISHMENT.—There is established a fellow-  
7 ship program pursuant to which the Broadcasting Board  
8 of Governors shall provide fellowships to foreign national  
9 journalists while they serve, for a period of not more than  
10 6 months, in positions at the Voice of America, RFE/RL,  
11 Incorporated, or Radio Free Asia.

12          (b) DESIGNATION OF FELLOWSHIPS.—Fellowships  
13 under this subtitle shall be known as “Edward R. Murrow  
14 Fellowships”.

15          (c) PURPOSE OF THE FELLOWSHIPS.—Fellowships  
16 under this subtitle shall be provided in order to allow each  
17 recipient (in this subtitle referred to as a “Fellow”) to  
18 serve on a short-term basis at the Voice of America, RFE/  
19 RL, Incorporated, or Radio Free Asia in order to obtain  
20 direct exposure to the operations of professional journal-  
21 ists.

### 22     **SEC. 623. FELLOWSHIPS.**

23          (a) LIMITATION.—Not more than 20 fellowships may  
24 be provided under this subtitle each fiscal year.

1 (b) REMUNERATION.—The Broadcasting Board of  
2 Governors shall determine, taking into consideration the  
3 position in which each Fellow will serve and the Fellow's  
4 experience and expertise, the amount of remuneration the  
5 Fellow will receive for service under this subtitle.

6 (c) HOUSING AND TRANSPORTATION.—The Broad-  
7 casting Board of Governors shall, pursuant to regula-  
8 tions—

9 (1) provide housing for each Fellow while the  
10 Fellow is serving abroad, including housing for fam-  
11 ily members if appropriate; and

12 (2) pay the costs and expenses incurred by each  
13 Fellow for travel between the journalist's country of  
14 nationality or last habitual residence and the offices  
15 of the Voice of America, RFE/RL, Incorporated, or  
16 Radio Free Asia and the country in which the Fel-  
17 low serves, including (where appropriate) for travel  
18 of family members.

19 **SEC. 624. ADMINISTRATIVE PROVISIONS.**

20 (a) DETERMINATIONS.—The Broadcasting Board of  
21 Governors shall determine which of the individuals se-  
22 lected by the Board will serve at Voice of America, RFE/  
23 RL, Incorporated, or Radio Free Asia and the position  
24 in which each will serve.

25 (b) AUTHORITIES.—Fellows may be employed—

1 (1) under a temporary appointment in the Civil  
2 Service;

3 (2) under a limited appointment in the Foreign  
4 Service; or

5 (3) by contract under the provisions of section  
6 2(c) of the State Department Basic Authorities Act  
7 of 1956 (22 U.S.C. 2669(c)).

8 (c) FUNDING.—Funds available to the Broadcasting  
9 Board of Governors shall be used for the expenses in-  
10 curred in carrying out this subtitle.

11 **TITLE VII—INTERNATIONAL PA-**  
12 **RENTAL CHILD ABDUCTION**  
13 **PREVENTION**

14 **SEC. 701. SHORT TITLE.**

15 This title may be cited as the “International Parental  
16 Child Abduction Prevention Act of 2004”.

17 **SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTER-**  
18 **NATIONAL CHILD ABDUCTORS AND REL-**  
19 **ATIVES OF SUCH ABDUCTORS.**

20 (a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the  
21 Immigration and Nationality Act (8 U.S.C.  
22 1182(a)(10)(C)(ii)) is amended by striking subclause (III)  
23 and inserting the following:

24 “(III) is a spouse (other than a  
25 spouse who is the parent of the ab-

1           ducted child), son or daughter (other  
2           than the abducted child), grandson or  
3           granddaughter (other than the ab-  
4           ducted child), parent, grandparent,  
5           sibling, cousin, uncle, aunt, nephew,  
6           or niece of an alien described in clause  
7           (i), or is a spouse of the abducted  
8           child described in clause (i), if such  
9           person has been designated by the  
10          Secretary of State, at the Secretary of  
11          State's sole and unreviewable discre-  
12          tion,

13          is inadmissible until the child described in  
14          clause (i) is surrendered to the person  
15          granted custody by the order described in  
16          that clause, and such person and child are  
17          permitted to return to the United States or  
18          such person's place of residence, or until  
19          the abducted child is 21 years of age.”.

20          (b) AUTHORITY TO CANCEL CERTAIN DESIGNA-  
21          TIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUC-  
22          TORS AND RELATIVES OF ABDUCTORS; ENTRY OF AB-  
23          DUCTORS AND OTHER INADMISSIBLE ALIENS IN THE  
24          CONSULAR LOOKOUT AND SUPPORT SYSTEM.—Section  
25          212(a)(10)(C) of the Immigration and Nationality Act (8

1 U.S.C. 1182(a)(10)(C) is amended by adding at the end  
2 the following:

3 “(iv) AUTHORITY TO CANCEL CER-  
4 TAIN DESIGNATIONS.—The Secretary of  
5 State may, at the Secretary of State’s sole  
6 and unreviewable discretion, at any time,  
7 cancel a designation made pursuant to  
8 clause (ii)(III).

9 “(v) IDENTIFICATION OF ALIENS SUP-  
10 PORTING ABDUCTORS AND RELATIVES OF  
11 ABDUCTORS.—In all instances in which the  
12 Secretary of State knows that an alien has  
13 committed an act described in clause (i),  
14 the Secretary of State shall take appro-  
15 priate action to identify the individuals  
16 who are potentially inadmissible under  
17 clause (ii).

18 “(vi) ENTRY OF ABDUCTORS AND  
19 OTHER INADMISSIBLE PERSONS IN CON-  
20 SULAR LOOKOUT AND SUPPORT SYSTEM.—  
21 In all instances in which the Secretary of  
22 State knows that an alien has committed  
23 an act described in clause (i), the Sec-  
24 retary of State shall take appropriate ac-  
25 tion to cause the entry into the Consular

1           Lookout and Support System of the name  
2           or names of, and identifying information  
3           about, such individual and of any persons  
4           identified pursuant to clause (v) as poten-  
5           tially inadmissible under clause (ii).

6           “(vii) DEFINITIONS.—In this subpara-  
7           graph:

8                   “(I) CHILD.—The term ‘child’  
9                   means a person under 21 years of age  
10                  regardless of marital status.

11                  “(II) SIBLING.—The term ‘sib-  
12                  ling’ includes step-siblings and half-  
13                  siblings.”.

14           (c) ANNUAL REPORT.—

15                   (1) IN GENERAL.—Not later than 180 days  
16                   after the date of enactment of this Act, and each  
17                   February 1 thereafter for 4 years, the Secretary  
18                   shall submit to the Committee on International Re-  
19                   lations and the Committee on the Judiciary of the  
20                   House of Representatives, and the Committee on  
21                   Foreign Relations and the Committee on the Judici-  
22                   ary of the Senate, an annual report that describes  
23                   the operation of section 212(a)(10)(C) of the Immi-  
24                   gration and Nationality Act (8 U.S.C.

1 1182(a)(10)(C)), as amended by this section, during  
2 the prior calendar year to which the report pertains.

3 (2) CONTENT.—Each annual report submitted  
4 in accordance with paragraph (1) shall specify, to  
5 the extent that corresponding data is reasonably  
6 available, the following:

7 (A) The number of cases known to the  
8 Secretary, disaggregated according to the na-  
9 tionality of the aliens concerned, in which a visa  
10 was denied to an applicant on the basis of the  
11 inadmissibility of the applicant under section  
12 212(a)(10)(C) of the Immigration and Nation-  
13 ality Act (as so amended) during the reporting  
14 period.

15 (B) The cumulative total number of cases  
16 known to the Secretary, disaggregated accord-  
17 ing to the nationality of the aliens concerned, in  
18 which a visa was denied to an applicant on the  
19 basis of the inadmissibility of the applicant  
20 under section 212(a)(10)(C) of the Immigration  
21 and Nationality Act (as so amended) since the  
22 beginning of the first reporting period.

23 (C) The number of cases known to the  
24 Secretary, disaggregated according to the na-  
25 tionality of the aliens concerned, in which the

1 name of an alien was placed in the Consular  
2 Lookout and Support System on the basis of  
3 the inadmissibility of the alien or potential in-  
4 admissibility under section 212(a)(10)(C) of the  
5 Immigration and Nationality Act (as so amend-  
6 ed) during the reporting period.

7 (D) The cumulative total number of  
8 names, disaggregated according to the nation-  
9 ality of the aliens concerned, known to the Sec-  
10 retary to appear in the Consular Lookout and  
11 Support System on the basis of the inadmis-  
12 sibility of the alien or potential inadmissibility  
13 under section 212(a)(10)(C) of the Immigration  
14 and Nationality Act (as so amended) at the end  
15 of the reporting period.

## 16 **TITLE VIII—MISCELLANEOUS** 17 **PROVISIONS**

### 18 **SEC. 801. REPEAL OF REQUIREMENT FOR SEMIANNUAL RE-** 19 **PORT ON EXTRADITION OF NARCOTICS TRAF-** 20 **FICKERS.**

21 Section 3203 of the Emergency Supplemental Act,  
22 2000 (division B of Public Law 106–246; 114 Stat. 575)  
23 is repealed.



1 **SEC. 802. TECHNICAL AMENDMENTS TO THE UNITED**  
2 **STATES INTERNATIONAL BROADCASTING**  
3 **ACT OF 1994.**

4 Section 304(c) of the United States International  
5 Broadcasting Act of 1994 (22 U.S.C. 6203(c)) is amend-  
6 ed—

7 (1) in the first sentence, by striking “Direc-  
8 tor’s” and inserting “Secretary’s”; and

9 (2) in the last sentence, by striking “Director”  
10 and inserting “Secretary”.

11 **SEC. 803. FELLOWSHIPS FOR MULTIDISCIPLINARY TRAIN-**  
12 **ING ON NONPROLIFERATION ISSUES.**

13 (a) FELLOWSHIPS AUTHORIZED.—In carrying out  
14 international exchange programs, the Secretary shall de-  
15 sign and implement a program to encourage eligible stu-  
16 dents to study at an accredited United States institution  
17 of higher education in an appropriate graduate program.

18 (b) ELIGIBLE STUDENT DEFINED.—In this section,  
19 the term “eligible student” means a citizen of a foreign  
20 country who—

21 (1) has completed undergraduate education;  
22 and

23 (2) is qualified (as determined by the Sec-  
24 retary).

25 (c) APPROPRIATE GRADUATE PROGRAM DEFINED.—  
26 In this section, the term “appropriate graduate program”

1 means a graduate level program that provides for the mul-  
2 tidisciplinary study of issues relating to weapons non-  
3 proliferation and includes training in—

- 4 (1) diplomacy;
- 5 (2) arms control;
- 6 (3) multilateral export controls; or
- 7 (4) threat reduction assistance.

8 (d) AVAILABILITY OF FUNDS.—Of the amounts au-  
9 thorized to be appropriated for educational and cultural  
10 exchange programs under section 102, \$2,000,000 may be  
11 available to carry out this section.

12 **SEC. 804. REQUIREMENT FOR REPORT ON UNITED STATES**  
13 **POLICY TOWARD HAITI.**

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

16 (1) Haiti is plagued by chronic political insta-  
17 bility, economic and political crises, and significant  
18 social challenges.

19 (2) The United States has a political and eco-  
20 nomic interest and a humanitarian and moral re-  
21 sponsibility in assisting the Government and people  
22 of Haiti in resolving the country's problems and  
23 challenges.

24 (3) The situation in Haiti is increasingly cause  
25 for alarm and concern, and a sustained, coherent,

1 and active approach by the United States Govern-  
2 ment is needed to make progress toward resolving  
3 Haiti's political and economic crises.

4 (b) REQUIREMENT FOR REPORT.—Not later than 60  
5 days after the date of enactment of this Act, the Sec-  
6 retary, in consultation with the Secretary of the Treasury,  
7 shall submit to the appropriate congressional committees  
8 a report that describes United States policy toward Haiti.  
9 The report shall include the following:

10 (1) A description of the activities carried out by  
11 the United States Government to resolve Haiti's po-  
12 litical crisis and to promote the holding of free and  
13 fair elections in Haiti at the earliest possible date.

14 (2) A description of the activities that the  
15 United States Government anticipates initiating to  
16 resolve the political crisis and promote free and fair  
17 elections in Haiti.

18 (3) An assessment of whether Resolution 822  
19 issued by the Permanent Council of the Organiza-  
20 tion of American States on September 4, 2002, is  
21 still an appropriate framework for a multilateral ap-  
22 proach to resolving the political and economic crises  
23 in Haiti, and of the likelihood that the Organization  
24 of American States or other international institution

1 will develop a new framework to replace Resolution  
2 ~~822~~.

3 (4) A description of the status of efforts to re-  
4 lease the approximately \$146,000,000 in loan funds  
5 that have been approved by the Inter-American De-  
6 velopment Bank to Haiti for the purposes of reha-  
7 bilitating rural roads, reorganizing the health sector,  
8 improving potable water supply and sanitation, and  
9 providing basic education, a description of any ob-  
10 stacles that are delaying the loan funds from being  
11 released as described in the schedules to such loans,  
12 and recommendations for overcoming such obstacles.

13 (b) *REQUIREMENT FOR REPORT.*—Not later than 60  
14 days after the date of the enactment of this Act, the Sec-  
15 retary shall submit to the appropriate congressional com-  
16 mittees a report that describes United States policy toward  
17 Haiti. The report shall include the following:

18 (1) *The plan for the reconstruction of Haiti for*  
19 *fiscal years 2004 and 2005.*

20 (2) *A description of the activities carried out by*  
21 *the United States Government, and the activities that*  
22 *will be carried out by the United States Government,*  
23 *for the following purposes:*

24 (A) *To establish democracy and rule of law*  
25 *in Haiti, in a manner that is consistent with the*

1           *Constitution of Haiti and international require-*  
2           *ments described in resolutions of the United Na-*  
3           *tions, the Organization of American States, or*  
4           *other international organizations.*

5                   *(B) To assist in the disarmament of mili-*  
6                   *tias and the reform of the Haitian National Po-*  
7                   *lice.*

8                   *(C) To promote the holding of free and fair*  
9                   *elections in Haiti that are monitored by inter-*  
10                  *national monitors.*

11                  *(D) To combat the human immuno-*  
12                  *deficiency virus (HIV) or the acquired immune*  
13                  *deficiency syndrome (AIDS) in Haiti.*

14                  *(E) To promote economic development in*  
15                  *Haiti through assistance to critical sectors such*  
16                  *as health and education, and for job creation.*

17                  *(F) To convene a conference of countries*  
18                  *and organizations—*

19                          *(i) to encourage such countries and or-*  
20                          *ganizations to provide assistance to Haiti;*  
21                          *and*

22                          *(ii) to coordinate the provision of*  
23                          *large-scale international assistance to*  
24                          *Haiti.*

1 **SEC. 805. LIMITATION ON USE OF FUNDS RELATING TO**  
2 **UNITED STATES POLICY WITH RESPECT TO**  
3 **JERUSALEM AS THE CAPITAL OF ISRAEL.**

4 (a) LIMITATION ON USE OF FUNDS FOR CONSULATE  
5 IN JERUSALEM.—None of the funds authorized to be ap-  
6 propriated by this division may be expended for the oper-  
7 ation of any United States consulate or diplomatic facility  
8 in Jerusalem that is not under the supervision of the  
9 United States Ambassador to Israel.

10 (b) LIMITATION ON USE OF FUNDS FOR PUBLICA-  
11 TIONS.—None of the funds authorized to be appropriated  
12 by this division may be available for the publication of any  
13 official document of the United States that lists countries  
14 including Israel, and their capital cities unless the publica-  
15 tion identifies Jerusalem as the capital of Israel.

16 **SEC. 806. REQUIREMENT FOR ADDITIONAL REPORT CON-**  
17 **CERNING EFFORTS TO PROMOTE ISRAEL'S**  
18 **DIPLOMATIC RELATIONS WITH OTHER COUN-**  
19 **TRIES.**

20 Section 215(b) of the Foreign Relations Authoriza-  
21 tion Act, Fiscal Year 2003 (Public Law 107–228; 116  
22 Stat. 1366) is amended by inserting “and again not later  
23 than 60 days after the date of the enactment of the For-  
24 eign Relations Authorization Act, Fiscal Year 2005,” after  
25 “Act,” in the matter preceding paragraph (1).

1 **SEC. 807. UNITED STATES POLICY REGARDING THE REC-**  
2 **OGNITION OF A PALESTINIAN STATE.**

3 Congress reaffirms the policy of the United States as  
4 articulated in President George W. Bush's speech of June  
5 24, 2002, regarding the criteria for recognizing a Pales-  
6 tinian state. Congress reiterates the President's statement  
7 that the United States will not recognize a Palestinian  
8 state until the Palestinians elect new leadership that—

9 (1) is not compromised by terrorism;

10 (2) demonstrates, over time, a firm and tan-  
11 gible commitment to peaceful co-existence with the  
12 State of Israel and an end to anti-Israel incitement;  
13 and

14 (3) takes appropriate measures to counter ter-  
15 rorism and terrorist financing in the West Bank and  
16 Gaza, including dismantling terrorist infrastruc-  
17 tures, confiscating unlawful weaponry, and estab-  
18 lishing a new security entity that cooperates fully  
19 with appropriate Israeli security organizations.

20 **SEC. 808. MIDDLE EAST BROADCASTING NETWORK.**

21 (a) **AUTHORITY.**—The United States International  
22 Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is  
23 amended by inserting after section 309 the following new  
24 section:

1 **“SEC. 310. MIDDLE EAST BROADCASTING NETWORK.**

2       “(a) **AUTHORITY.**—Grants authorized under section  
3 305 shall be available to make annual grants to a Middle  
4 East Broadcasting Network for the purpose of carrying  
5 out radio and television broadcasting to the Middle East  
6 region.

7       “(b) **FUNCTION.**—The Middle East Broadcasting  
8 Network shall provide radio and television programming  
9 to the Middle East region consistent with the broadcasting  
10 standards and broadcasting principles set forth in section  
11 303 of this Act.

12       “(c) **GRANT AGREEMENT.**—Any grant agreement or  
13 grants under this section shall be subject to the following  
14 limitations and restrictions:

15               “(1) The Broadcasting Board of Governors may  
16 not make any grant to the nonprofit corporation,  
17 Middle East Broadcasting Network, unless its cer-  
18 tificate of incorporation provides that—

19                       “(A) the Board of Directors of the Middle  
20 East Broadcasting Network shall consist of the  
21 members of the Broadcasting Board of Gov-  
22 ernors established under section 304 and of no  
23 other members; and

24                       “(B) such Board of Directors shall make  
25 all major policy determinations governing the  
26 operation of the Middle East Broadcasting Net-



1 work, and shall appoint and fix the compensa-  
2 tion of such managerial officers and employees  
3 of the Middle East Broadcasting Network as it  
4 considers necessary to carry out the purposes of  
5 the grant provided under this title, except that  
6 no officer or employee may be paid a salary or  
7 other compensation in excess of the rate of pay  
8 payable for level III of the Executive Schedule  
9 under section 5314 of title 5, United States  
10 Code.

11 “(2) Any grant agreement under this section  
12 shall require that any contract entered into by the  
13 Middle East Broadcasting Network shall specify that  
14 obligations are assumed by the Middle East Broad-  
15 casting Network and not the United States Govern-  
16 ment.

17 “(3) Any grant agreement shall require that  
18 any lease agreement entered into by the Middle East  
19 Broadcasting Network shall be, to the maximum ex-  
20 tent possible, assignable to the United States Gov-  
21 ernment.

22 “(4) Grants awarded under this section shall be  
23 made pursuant to a grant agreement which requires  
24 that grant funds be used only for activities con-  
25 sistent with this section, and that failure to comply

1 with such requirements shall permit the grant to be  
2 terminated without fiscal obligation to the United  
3 States.

4 “(5) Duplication of language services and tech-  
5 nical operations between the Middle East Broad-  
6 casting Network (including Radio Sawa), RFE/RL,  
7 and the International Broadcasting Bureau will be  
8 reduced to the extent appropriate, as determined by  
9 the Board.

10 “(d) NOT A FEDERAL AGENCY OR INSTRUMEN-  
11 TILITY.—Nothing in this title may be construed to make  
12 the Middle East Broadcasting Network a Federal agency  
13 or instrumentality, nor shall the officers or employees of  
14 the Middle East Broadcasting Network be deemed to be  
15 officers or employees of the United States Government.

16 “(e) AUDIT AUTHORITY.—

17 “(1) IN GENERAL.—Such financial transactions  
18 of the Middle East Broadcasting Network as relate  
19 to functions carried out under this section may be  
20 audited by the General Accounting Office in accord-  
21 ance with such principles and procedures and under  
22 such rules and regulations as may be prescribed by  
23 the Comptroller General of the United States. Any  
24 such audit shall be conducted at the place or places

1 where accounts of the Middle East Broadcasting  
2 Network are normally kept.

3 “(2) ACCESS TO RECORDS.—Representatives of  
4 the General Accounting Office shall have access to  
5 all books, accounts, records, reports, files, papers,  
6 and property belonging to or in use by the Middle  
7 East Broadcasting Network pertaining to such fi-  
8 nancial transactions as necessary to facilitate an  
9 audit. Such representatives shall be afforded full fa-  
10 cilities for verifying transactions with any assets  
11 held by depositories, fiscal agents, and custodians.  
12 All such books, accounts, records, reports, files, pa-  
13 pers, and property of the Middle East Broadcasting  
14 Network shall remain in the custody of the Middle  
15 East Broadcasting Network.

16 “(3) INSPECTOR GENERAL.—Notwithstanding  
17 any other provisions of law, the Inspector General  
18 for the Department of State and the Broadcasting  
19 Board of Governors is authorized to exercise the au-  
20 thorities of the Inspector General Act of 1978 with  
21 respect to the Middle East Broadcasting Network.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) AUTHORITIES OF BOARD.—Section 305 of  
24 the United States International Broadcasting Act of  
25 1994 (22 U.S.C. 6204), is amended—

1 (A) in paragraph (5) of subsection (a), by  
2 striking “and 309” and inserting “, 309, and  
3 310”;

4 (B) in paragraph (6) of subsection (a), by  
5 striking “and 309” and inserting “, 309, and  
6 310”; and

7 (C) in subsection (c), by striking “and  
8 309” and by inserting “, 309, and 310”.

9 (2) INTERNATIONAL BROADCASTING BUREAU.—  
10 Section 307 of the United States International  
11 Broadcasting Act of 1994 (22 U.S.C. 6206), is  
12 amended—

13 (A) in subsection (a), by striking “and  
14 309” and inserting “, 309, and 310”; and

15 (B) in subsection (c), by inserting “, and  
16 Middle East Broadcasting Network,” after  
17 “Asia”.

18 (3) IMMUNITY FOR LIABILITY.—Section 304(g)  
19 of the United States International Broadcasting Act  
20 of 1994 (22 U.S.C. 6203(g)), is amended—

21 (A) by striking “and” after “Incor-  
22 porated”, and by inserting a comma; and

23 (B) by adding “, and Middle East Broad-  
24 casting Network” after “Asia”.

1           (4)           CREDITABLE           SERVICE.—Section  
2           8332(b)(11) of title 5, United States Code, is  
3           amended by adding “the Middle East Broadcasting  
4           Network;” after “the Asia Foundation;”.

5   **SEC. 809. SENSE OF CONGRESS RELATING TO MAGEN**  
6                           **DAVID ADOM SOCIETY.**

7           It is the sense of Congress that, in light of the find-  
8           ings of fact set out in section 690(a) of the Foreign Rela-  
9           tions Authorization Act, Fiscal Year 2003 (Public Law  
10          107–228; 116 Stat. 1414) and the fact that the Federa-  
11          tion of Red Cross and Red Crescent Societies has not  
12          granted full membership to the Magen David Adom Soci-  
13          ety, the United States should continue to press for full  
14          membership for the Magen David Adom Society in the  
15          International Red Cross Movement.

16   **SEC. 810. EXTENSION OF AUTHORIZATION OF APPROPRIA-**  
17                           **TION FOR THE UNITED STATES COMMISSION**  
18                           **ON INTERNATIONAL RELIGIOUS FREEDOM.**

19          (a) IN GENERAL.—Subsection (a) of section 207 of  
20          the International Religious Freedom Act of 1998 (22  
21          U.S.C. 6435(a)) is amended by striking “2003” and in-  
22          serting “2005”.

23          (b) TECHNICAL AMENDMENT.—Subsection (b) of  
24          such section is amended by striking “subparagraph” and  
25          inserting “subsection”.

1 **SEC. 811. SENSE OF THE SENATE REGARDING THE VISA**  
2 **WAIVER PROGRAM.**

3 *(a) FINDINGS.—The Senate finds the following:*

4 *(1) Stopping terrorists from entering the United*  
5 *States is a key element in the war on terrorism.*

6 *(2) The United States is dedicated to the growth*  
7 *of democracy, a vibrant world economy, and the de-*  
8 *velopment of broader horizons of knowledge, including*  
9 *new science and technology.*

10 *(3) The present and future prosperity of the*  
11 *United States, our national security, and our friend-*  
12 *ship with people of other nations depend upon the*  
13 *swift movement of people, goods, and services around*  
14 *the globe.*

15 *(4) The process for entry into the United States*  
16 *must therefore stop terrorists while welcoming legiti-*  
17 *mate travelers.*

18 *(5) New technology, such as passports with bio-*  
19 *metrics, is a critical tool in achieving these goals.*

20 *(6) The Enhanced Border Security and Visa*  
21 *Entry Reform Act of 2002 (Public Law 107–17) re-*  
22 *quires that not later than October 26, 2004, the gov-*  
23 *ernment of each country that is designated to partici-*  
24 *pate in the visa waiver program established under*  
25 *section 217 of the Immigration and Nationality Act*  
26 *(8 U.S.C. 1187) shall certify, as a condition for des-*

1        *ignation or continuation of that designation, that it*  
2        *has a program to issue to its nationals machine-read-*  
3        *able passports that are tamper-resistant and incor-*  
4        *porate biometric and document authentication identi-*  
5        *fiers that comply with applicable biometric and docu-*  
6        *ment identifying standards established by the Inter-*  
7        *national Civil Aviation Organization.*

8                *(7) The Enhanced Border Security and Visa*  
9        *Entry Reform Act of 2002 (Public Law 107–17) re-*  
10        *quires that unless an alien’s passport was issued*  
11        *prior to October 26, 2004, any alien applying for ad-*  
12        *mission under the visa waiver program shall present*  
13        *a passport that meets these biometric and authentica-*  
14        *tion requirements.*

15        *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*  
16        *ate that Congress and the Administration ensure that the*  
17        *October 26, 2004, deadline that requires certain visa waiver*  
18        *program beneficiaries to have passports with biometric and*  
19        *document authentication identifiers does not disrupt the*  
20        *entry of legitimate visitors to the United States.*

21        **SEC. 812. REPORTING REQUIREMENTS RELATED TO UNITED**  
22                        **STATES INTERNATIONAL AGREEMENTS.**

23        *Section 112b of title 1, United States Code, is amend-*  
24        *ed—*

25                *(1) in subsection (a)—*

1           (A) by striking “Congress” in the first sen-  
2           tence and inserting “Committee on Foreign Re-  
3           lations of the Senate and the Committee on  
4           International Relations of the House of Rep-  
5           resentatives”; and

6           (B) in the second sentence—

7                 (i) by striking “However, any” and in-  
8                 serting “Any”; and

9                 (ii) by striking “shall not be so trans-  
10                mitted” and all that follows through “House  
11                of Representatives” and inserting “shall be  
12                transmitted”; and

13          (2) in subsection (b)—

14                 (A) by striking “the President shall, under  
15                 his own signature,” and inserting “the Secretary  
16                 shall”;

17                 (B) by striking “Speaker” and all that fol-  
18                 lows through “the chairman of the”;

19                 (C) by inserting “and the Committee on  
20                 International Relations of the House of Rep-  
21                 resentatives” after “of the Senate”; and

22                 (D) by striking “the Congress” and insert-  
23                 ing “such Committees”.



1 **SEC. 813. REQUIREMENT TO SUBMIT TO CONGRESS FIND-**  
2 **INGS UNDER THE DIPLOMATIC SECURITY**  
3 **ACT.**

4 (a) *REQUIREMENT.*—Section 304 of the Diplomatic  
5 Security Act (22 U.S.C. 4834) is amended in subsection (b),  
6 by striking “State,” and inserting “State and the appro-  
7 priate congressional committees,”.

8 (b) *CONFORMING AND CLARIFYING AMENDMENTS.*—

9 (1) *PROGRAM RECOMMENDATIONS.*—Paragraph  
10 (1) of subsection (d) of such section is amended to  
11 read as follows:

12 “(1) *PROGRAM RECOMMENDATIONS.*—In any  
13 case in which a Board transmits recommendations  
14 under subsection (b) of this section, the Secretary of  
15 State shall, not later than 90 days after the receipt  
16 of such recommendations, submit a report to the ap-  
17 propriate congressional committees on each such rec-  
18 ommendation and the action taken with respect to  
19 that recommendation.”.

20 (2) *PERSONNEL RECOMMENDATIONS.*—Para-  
21 graph (2) of such subsection is amended by striking  
22 “Congress” and inserting “appropriate congressional  
23 committees”.

24 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
25 *FINED.*—Such section is further amended by adding at the  
26 end the following new subsection:

1       “(e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
2 *FINED.*—*In this section, the term ‘appropriate congres-*  
3 *sional committees’ means the Committee on Foreign Rela-*  
4 *tions of the Senate and the Committee on International Re-*  
5 *lations of the House of Representatives.’”*

6 **SEC. 814. COMBATTING PIRACY OF UNITED STATES COPY-**  
7 **RIGHTED MATERIALS.**

8       (a) *PROGRAM AUTHORIZED.*—*The Secretary may*  
9 *carry out a program of activities to combat piracy in coun-*  
10 *tries that are not members of the Organization for Eco-*  
11 *nomic Cooperation and Development (OECD), including*  
12 *activities as follows:*

13           (1) *The provision of equipment and training for*  
14 *law enforcement, including in the interpretation of*  
15 *intellectual property laws.*

16           (2) *The provision of training for judges and*  
17 *prosecutors, including in the interpretation of intel-*  
18 *lectual property laws.*

19           (3) *The provision of assistance in complying*  
20 *with obligations under applicable international trea-*  
21 *ties and agreements on copyright and intellectual*  
22 *property.*

23       (b) *DISCHARGE THROUGH BUREAU OF ECONOMIC AF-*  
24 *FAIRS.*—*The Secretary shall carry out the program author-*

1 ized by subsection (a) through the Bureau of Economic Af-  
 2 fairs of the Department.

3 (c) *CONSULTATION WITH WORLD INTELLECTUAL*  
 4 *PROPERTY ORGANIZATION.*—In carrying out the program  
 5 authorized by subsection (a), the Secretary shall, to the  
 6 maximum extent practicable, consult with and provide as-  
 7 sistance to the World Intellectual Property Organization in  
 8 order to promote the integration of countries described in  
 9 subsection (a) into the global intellectual property system.

10 (d) *FUNDING.*—Of the amount authorized to be appro-  
 11 priated for other educational and cultural exchange pro-  
 12 grams by section 102(a)(1)(A), \$5,000,000 may be available  
 13 in fiscal year 2005 for the program authorized by subsection  
 14 (a).

15 **SEC. 815. TREATMENT OF NATIONALS OF THE DEMOCRATIC**  
 16 **PEOPLE'S REPUBLIC OF KOREA.**

17 (a) *PURPOSE.*—The purpose of this section is to ensure  
 18 that North Koreans are not barred from eligibility for ref-  
 19 ugee status or asylum in the United States on account of  
 20 any legal right to citizenship they may enjoy under the  
 21 Constitution of the Republic of Korea. This section is not  
 22 intended in any way to prejudice whatever rights to citizen-  
 23 ship North Koreans may enjoy under the Constitution of  
 24 the Republic of Korea.

1           (b) *TREATMENT OF NORTH KOREANS.*—For purposes  
 2 of eligibility for refugee status under section 207 of the Im-  
 3 migration and Nationality Act (8 U.S.C. 1157), or for asy-  
 4 lum under section 208 of such Act (8 U.S.C. 1158), a na-  
 5 tional of the Democratic People’s Republic of Korea shall  
 6 not be excluded from such status only because such national  
 7 is eligible to become a national of the Republic of Korea.

8 **SEC. 816. EDUCATION OF DEPENDENTS OF BROADCASTING**  
 9                           **BOARD OF GOVERNORS PERSONNEL STA-**  
 10                           **TIONED IN THE COMMONWEALTH OF THE**  
 11                           **NORTHERN MARIANA ISLANDS.**

12           (a) *PAYMENT OF EXPENSES OF PRIMARY AND SEC-*  
 13 *ONDARY EDUCATION.*—

14                   (1) *IN GENERAL.*—The Broadcasting Board of  
 15 Governors may, at the discretion of the Board, pay  
 16 the expenses of primary and secondary education of  
 17 dependents of Board personnel stationed in the Com-  
 18 monwealth of the Northern Mariana Islands if the  
 19 Board determines that the schools available in the  
 20 Commonwealth are unable to provide an adequate  
 21 primary and secondary education to such dependents.

22                   (2) *LIMITATION.*—Amounts paid for expenses  
 23 under paragraph (1) may not exceed the authorized  
 24 cost of the Department of Defense in providing pri-  
 25 mary and secondary education to dependents of mem-

1        *bers of the Armed Forces and civilian employees of*  
 2        *the Federal Government in the Commonwealth of the*  
 3        *Northern Mariana Islands.*

4        *(b) TRANSPORTATION TO PLACE OF EDUCATION.—The*  
 5        *Board may, at the discretion of the Board, provide trans-*  
 6        *portation for dependents of Board personnel described in*  
 7        *subsection (a) between the place of residence of such depend-*  
 8        *ents and their place of primary or secondary education if*  
 9        *the Board determines that such place of education is not*  
 10       *accessible by public means of transportation.*

11       **TITLE IX—PEACE CORPS CHAR-**  
 12       **TER FOR THE 21ST CENTURY**

13       **SEC. 901. SHORT TITLE.**

14       This title may be cited as the “Peace Corps Charter  
 15 for the 21st Century Act”.

16       **SEC. 902. FINDINGS.**

17       Congress makes the following findings:

18            (1) The Peace Corps was established in 1961 to  
 19       promote world peace and friendship through the  
 20       service of United States volunteers abroad.

21            (2) The Peace Corps has sought to fulfill three  
 22       goals, as follows:

23            (A) To help people in developing nations  
 24       meet basic needs.

1 (B) To promote understanding of Amer-  
2 ica's values and ideals abroad.

3 (C) To promote an understanding of other  
4 peoples by Americans.

5 (3) The three goals, which are codified in the  
6 Peace Corps Act, have guided the Peace Corps and  
7 its volunteers over the years, and worked in concert  
8 to promote global acceptance of the principles of  
9 international peace and nonviolent coexistence  
10 among peoples of diverse cultures and systems of  
11 government.

12 (4) Since its establishment, approximately  
13 165,000 Peace Corps volunteers have served in 135  
14 countries.

15 (5) After more than 40 years of operation, the  
16 Peace Corps remains the world's premier inter-  
17 national service organization dedicated to promoting  
18 grassroots development.

19 (6) The Peace Corps remains committed to  
20 sending well trained and well supported Peace Corps  
21 volunteers overseas to promote peace, friendship,  
22 and international understanding.

23 (7) The Peace Corps operates in 70 countries  
24 with 7,000 Peace Corps volunteers.

1           (8) The Peace Corps is an independent agency,  
2           and therefore no Peace Corps personnel or volun-  
3           teers should be used to accomplish any goal other  
4           than the goals established by the Peace Corps Act.

5           (9) The Crisis Corps has been an effective tool  
6           in harnessing the skills and talents for returned  
7           Peace Corps volunteers and should be expanded to  
8           utilize to the maximum extent the talent pool of re-  
9           turned Peace Corps volunteers.

10          (10) There is deep misunderstanding and mis-  
11          information about the values and ideals of the  
12          United States in many parts of the world, particu-  
13          larly those with substantial Muslim populations, and  
14          a greater Peace Corps presence in such places could  
15          foster greater understanding and tolerance.

16          (11) Congress has declared that the Peace  
17          Corps should be expanded to sponsor a minimum of  
18          10,000 Peace Corps volunteers.

19          (12) President George W. Bush has called for  
20          the doubling of the number of Peace Corps volun-  
21          teers in service.

22          (13) Any expansion of the Peace Corps must  
23          not jeopardize the quality of the Peace Corps volun-  
24          teer experience, and therefore can only be accom-

1 plished by an appropriate increase in field and head-  
2 quarters support staff.

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

9 (15) A streamlined, bipartisan National Peace  
10 Corps Advisory Council composed of distinguished  
11 returned Peace Corps volunteers and other individ-  
12 uals, with diverse backgrounds and expertise, can be  
13 a source of ideas and suggestions that may be useful  
14 to the Director of the Peace Corps in discharging  
15 the Director's duties and responsibilities.

16 **SEC. 903. DEFINITIONS.**

17 In this title:

18 (1) **DIRECTOR.**—The term “Director” means  
19 the Director of the Peace Corps.

20 (2) **PEACE CORPS VOLUNTEER.**—The term  
21 “Peace Corps volunteer” means a volunteer or a vol-  
22 unteer leader under the Peace Corps Act (22 U.S.C.  
23 2501 et seq.).

24 (3) **RETURNED PEACE CORPS VOLUNTEER.**—  
25 The term “returned Peace Corps volunteer” means



1 a person who has been certified by the Director as  
2 having served satisfactorily as a Peace Corps volun-  
3 teer.

4 **SEC. 904. STRENGTHENED INDEPENDENCE OF THE PEACE**  
5 **CORPS.**

6 (a) RECRUITMENT OF VOLUNTEERS.—Section 2A of  
7 the Peace Corps Act (22 U.S.C. 2501–1) is amended by  
8 adding at the end the following new sentence: “As the  
9 Peace Corps is an independent agency, all recruiting of  
10 volunteers shall be undertaken primarily by the Peace  
11 Corps.”.

12 (b) DETAILS AND ASSIGNMENTS.—Section 5(g) of  
13 the Peace Corps Act (22 U.S.C. 2504(g)) is amended by  
14 inserting after “*Provided, That*” the following: “such de-  
15 tail or assignment does not contradict the standing of  
16 Peace Corps volunteers as being independent: *Provided*  
17 *further, That*”.

18 **SEC. 905. REPORTS AND CONSULTATIONS.**

19 (a) ANNUAL REPORTS; CONSULTATIONS ON NEW  
20 INITIATIVES.—The Peace Corps Act is amended by strik-  
21 ing the heading for section 11 (22 U.S.C. 2510) and all  
22 that follows through the end of such section and inserting  
23 the following:

1 **“SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INI-**  
2 **TIATIVES.**

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

6 “(1) a description of efforts undertaken to im-  
7 prove coordination of activities of the Peace Corps  
8 with activities of international voluntary service or-  
9 ganizations, such as the United Nations volunteer  
10 program, and of host country voluntary service orga-  
11 nizations, including—

12 “(A) a description of the purpose and  
13 scope of any development project which the  
14 Peace Corps undertook during the preceding  
15 fiscal year as a joint venture with any such  
16 international or host country voluntary service  
17 organizations; and

18 “(B) recommendations for improving co-  
19 ordination of development projects between the  
20 Peace Corps and any such international or host  
21 country voluntary service organizations;

22 “(2) a description of—

23 “(A) any major new initiatives that the  
24 Peace Corps has under review for the upcoming  
25 fiscal year, and any major initiatives that were

1           undertaken in the previous fiscal year that were  
2           not included in prior reports to Congress;

3           “(B) the rationale for undertaking such  
4           new initiatives;

5           “(C) an estimate of the cost of such initia-  
6           tives; and

7           “(D) any impact such initiatives may have  
8           on the safety of volunteers; and

9           “(3) a description of standard security proce-  
10          dures for any country in which the Peace Corps op-  
11          erates programs or is considering doing so, as well  
12          as any special security procedures contemplated be-  
13          cause of changed circumstances in specific countries,  
14          and assessing whether security conditions would be  
15          enhanced—

16           “(A) by collocating volunteers with inter-  
17          national or local nongovernmental organiza-  
18          tions; or

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

21          “(b) CONSULTATIONS ON NEW INITIATIVES.—The  
22          Director of the Peace Corps should consult with the Com-  
23          mittee on Foreign Relations of the Senate and the Com-  
24          mittee on International Relations of the House of Rep-  
25          resentatives with respect to any major new initiatives not

1 previously discussed in the latest annual report submitted  
2 to Congress under subsection (a) or in budget presen-  
3 tations. Whenever possible, such consultations should take  
4 place prior to the initiation of such initiatives, but in any  
5 event as soon as is practicable thereafter.”.

6 (b) ONE-TIME REPORT ON STUDENT LOAN FOR-  
7 GIVENESS PROGRAMS.—Not later than 30 days after the  
8 date of the enactment of this Act, the Director shall sub-  
9 mit to the appropriate congressional committees a report  
10 containing—

11 (1) a description of the student loan forgiveness  
12 programs currently available to Peace Corps volun-  
13 teers upon completion of their service;

14 (2) a comparison of such programs with other  
15 Government-sponsored student loan forgiveness pro-  
16 grams; and

17 (3) recommendations for any additional student  
18 loan forgiveness programs that could attract more  
19 applicants from more low- and middle-income appli-  
20 cants facing high student loan obligations.

21 **SEC. 906. INCREASING THE NUMBER OF VOLUNTEERS.**

22 (a) REQUIREMENT.—The Director shall develop a  
23 plan to increase the number of Peace Corps volunteers to  
24 a number that is not less than twice the number of Peace

1 Corps volunteers who were enrolled in the Peace Corps  
2 on September 30, 2002.

3 (b) REPORT ON INCREASING THE NUMBER OF VOL-  
4 UNTEERS.—

5 (1) INITIAL REPORT.—Not later than 30 days  
6 after the date of the enactment of this Act, the Di-  
7 rector shall submit to the appropriate congressional  
8 committees a report describing in detail the Direc-  
9 tor’s plan for increasing the number of Peace Corps  
10 volunteers as described in subsection (a), including  
11 a five-year budget plan for funding such increase in  
12 the number of volunteers.

13 (2) SUBSEQUENT REPORTS.—Not later than  
14 January 31 of each year in which the number of  
15 Peace Corps volunteers is less than twice the num-  
16 ber of Peace Corps volunteers who were enrolled in  
17 the Peace Corps on September 30, 2002, the Direc-  
18 tor shall submit to the appropriate congressional  
19 committees an update on the report described in  
20 paragraph (1).

1 **SEC. 907. SPECIAL VOLUNTEER RECRUITMENT AND PLACE-**  
2 **MENT FOR COUNTRIES WHOSE GOVERN-**  
3 **MENTS ARE SEEKING TO FOSTER GREATER**  
4 **UNDERSTANDING BETWEEN THEIR CITIZENS**  
5 **AND THE UNITED STATES.**

6 (a) REPORT.—Not later than 60 days after the date  
7 of the enactment of this Act, the Director shall submit  
8 to the appropriate congressional committees a report de-  
9 scribing the initiatives that the Peace Corps intends to  
10 pursue with eligible countries where the presence of Peace  
11 Corps volunteers would facilitate a greater understanding  
12 that there exists a universe of commonly shared human  
13 values and aspirations. Such report shall include—

14 (1) a description of the recruitment strategies  
15 to be employed by the Peace Corps to recruit and  
16 train volunteers with the appropriate language skills  
17 and interest in serving in such countries; and

18 (2) a list of the countries that the Director has  
19 determined should be priorities for special recruit-  
20 ment and placement of Peace Corps volunteers.

21 (b) USE OF RETURNED PEACE CORPS VOLUN-  
22 TEERS.—Notwithstanding any other provision of law, the  
23 Director is authorized and strongly urged to utilize the  
24 services of returned Peace Corps volunteers having lan-  
25 guage and cultural expertise, including those returned  
26 Peace Corps volunteers who may have served previously

1 in countries with substantial Muslim populations, in order  
2 to open or reopen Peace Corps programs in such coun-  
3 tries.

4 **SEC. 908. GLOBAL INFECTIOUS DISEASES INITIATIVE.**

5 The Director, in cooperation with international public  
6 health experts such as experts of the Centers for Disease  
7 Control and Prevention, the National Institutes of Health,  
8 the World Health Organization, the Pan American Health  
9 Organization, and local public health officials, shall de-  
10 velop a program of training for all Peace Corps volunteers  
11 in the areas of education, prevention, and treatment of  
12 infectious diseases in order to ensure that all Peace Corps  
13 volunteers make a contribution to the global campaign  
14 against such diseases.

15 **SEC. 909. PEACE CORPS NATIONAL ADVISORY COUNCIL.**

16 Section 12 of the Peace Corps Act (22 U.S.C. 2511)  
17 is amended—

18 (1) in subsection (b)(2), by striking subpara-  
19 graph (D) and inserting the following:

20 “(D) make recommendations for utilizing the  
21 expertise of returned Peace Corps volunteers in ful-  
22 filling the goals of the Peace Corps.”;

23 (2) in subsection (c)(2)—

24 (A) in subparagraph (A)—

1 (i) in the first sentence, by striking  
2 “fifteen” and inserting “seven”; and

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

11 (B) by striking subparagraph (D) and in-  
12 serting the following:

13 “(D) The members of the Council shall be appointed  
14 for 2-year terms.”;

15 (C) by striking subparagraphs (B) and  
16 (H); and

17 (D) by redesignating subparagraphs (C),  
18 (D), (E), (F), (G), and (I) as subparagraphs  
19 (B), (C), (D), (E), (F), and (G), respectively;

20 (3) by striking subsection (g) and inserting the  
21 following:

22 “(g) CHAIR.—The President shall designate one of  
23 the voting members of the Council as Chair, who shall  
24 serve in that capacity for a period not to exceed two  
25 years.”;



1           (4) by striking subsection (h) and inserting the  
2 following:

3           “(h) MEETINGS.—The Council shall hold a regular  
4 meeting during each calendar quarter at a date and time  
5 to be determined by the Chair of the Council.”; and

6           (5) by striking subsection (i) and inserting the  
7 following:

8           “(i) REPORT.—Not later than July 30 of each year,  
9 the Council shall submit a report to the President and the  
10 Director of the Peace Corps describing how the Council  
11 has carried out its functions under subsection (b)(2).”.

12 **SEC. 910. READJUSTMENT ALLOWANCES.**

13           (a) INCREASED RATES.—The Peace Corps Act is  
14 amended—

15           (1) in section 5(c) (22 U.S.C. 2504(c)), by  
16 striking “\$125” and inserting “\$275”; and

17           (2) in section 6(1) (22 U.S.C. 2505(1)), by  
18 striking “\$125” and inserting “\$275”.

19           (b) EFFECTIVE DATE.—The amendments made by  
20 subsection (a) shall take effect on the first day of the first  
21 month that begins on or after the date of the enactment  
22 of this Act.

1 **SEC. 911. PROGRAMS AND PROJECTS OF RETURNED PEACE**  
2 **CORPS VOLUNTEERS TO PROMOTE THE**  
3 **GOALS OF THE PEACE CORPS.**

4 (a) **PURPOSE.**—The purpose of this section is to pro-  
5 vide support for returned Peace Corps volunteers to de-  
6 velop and carry out programs and projects to promote the  
7 third purpose of the Peace Corps Act, as set forth in sec-  
8 tion 2(a) of that Act (22 U.S.C. 2501(a)), relating to pro-  
9 moting an understanding of other peoples on the part of  
10 the American people.

11 (b) **GRANTS TO CERTAIN NONPROFIT CORPORA-**  
12 **TIONS.**—

13 (1) **GRANT AUTHORITY.**—The Chief Executive  
14 Officer of the Corporation for National and Commu-  
15 nity Service established by section 191 of the Na-  
16 tional and Community Service Act of 1990 (42  
17 U.S.C. 12651) (hereafter in the section referred to  
18 as the “Corporation”) shall award grants on a com-  
19 petitive basis to private nonprofit corporations for  
20 the purpose of enabling returned Peace Corps volun-  
21 teers to use their knowledge and expertise to develop  
22 programs and projects to carry out the purpose de-  
23 scribed in subsection (a).

24 (2) **PROGRAMS AND PROJECTS.**—The programs  
25 and projects that may receive grant funds under this  
26 section include—

1 (A) educational programs designed to en-  
2 rich the knowledge and interest of elementary  
3 school and secondary school students in the ge-  
4 ography and cultures of other countries where  
5 the volunteers have served;

6 (B) projects that involve partnerships with  
7 local libraries to enhance community knowledge  
8 about other peoples and countries; and

9 (C) audio-visual projects that utilize mate-  
10 rials collected by the volunteers during their  
11 service that would be of educational value to  
12 communities.

13 (3) ELIGIBILITY.—To be eligible for a grant  
14 under this section, a nonprofit corporation shall have  
15 a board of directors composed of returned Peace  
16 Corps volunteers with a background in community  
17 service, education, or health. The nonprofit corpora-  
18 tion shall meet all management requirements that  
19 the Corporation determines appropriate and pre-  
20 scribes as conditions for eligibility for the grant.

21 (c) GRANT REQUIREMENTS.—A grant under this sec-  
22 tion shall be made pursuant to a grant agreement between  
23 the Corporation and the nonprofit corporation that—

24 (1) requires grant funds be used only to sup-  
25 port programs and projects to carry out the purpose

1 described in subsection (a) through the funding of  
2 proposals submitted by returned Peace Corps volun-  
3 teers (either individually or cooperatively with other  
4 returned volunteers);

5 (2) requires the nonprofit corporation to give  
6 preferential consideration to proposals submitted by  
7 returned Peace Corps volunteers that request less  
8 than \$100,000 to carry out a program or project;

9 (3) requires that not more than 20 percent of  
10 the grant funds made available to the nonprofit cor-  
11 poration be used for the salaries, overhead, or other  
12 administrative expenses of the nonprofit corporation;

13 (4) prohibits the nonprofit corporation from re-  
14 ceiving grant funds for more than 2 years unless,  
15 beginning in the third year, the nonprofit corpora-  
16 tion makes available, to carry out the programs or  
17 projects that receive grant funds during that year,  
18 non-Federal contributions—

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

22 (B) provided directly or through donations  
23 from private entities, in cash or in kind, fairly  
24 evaluated, including plant, equipment, or serv-  
25 ices; and

1           (5) requires the nonprofit corporation to man-  
2           age, monitor, and report to the Corporation on the  
3           progress of each program or project for which the  
4           nonprofit corporation provides funding from a grant  
5           under this section.

6           (d) STATUS OF THE FUND.—Nothing in this section  
7           shall be construed to make any nonprofit corporation sup-  
8           ported under this section an agency or establishment of  
9           the Federal Government or to make any member of the  
10          board of directors or any officer or employee of such non-  
11          profit corporation an officer or employee of the United  
12          States.

13          (e) FACTORS IN AWARDING GRANTS.—In deter-  
14          mining the number of nonprofit corporations to receive  
15          grants under this section for any fiscal year, the Corpora-  
16          tion shall—

17                (1) consider the need to minimize overhead  
18                costs and maximize resources available to fund pro-  
19                grams and projects; and

20                (2) seek to ensure that programs and projects  
21                receiving grant funds are carried out across a broad  
22                geographical distribution.

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

1 (g) FUNDING.—

2 (1) IN GENERAL.—In addition to any other  
3 funds made available to the Corporation under any  
4 other provision of law, there is authorized to be ap-  
5 propriated to the Corporation to carry out this sec-  
6 tion, \$10,000,000.

7 (2) AVAILABILITY.—Amounts appropriated pur-  
8 suant to paragraph (1) are authorized to remain  
9 available until expended.

10 **SEC. 912. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 3(b)(1) of the Peace Corps Act (22 U.S.C.  
12 2502(b)(1)) is amended by striking “\$270,000,000” and  
13 all that follows through “2003” and inserting  
14 “\$351,000,000 for fiscal year 2005, \$443,000,000 for fis-  
15 cal year 2006, and \$485,000,000 for fiscal year 2007”.

16 **DIVISION B—FOREIGN**  
17 **ASSISTANCE AUTHORIZATIONS**

18 **SEC. 2001. SHORT TITLE.**

19 This division may be cited as the “Foreign Assistance  
20 Authorization Act, Fiscal Year 2005”.

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

6 **SEC. 2101. DEVELOPMENT ASSISTANCE.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to the President for “Devel-  
9 opment Assistance”, \$1,346,000,000 for fiscal year 2005  
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. 2102. CHILD SURVIVAL AND HEALTH PROGRAMS**  
21 **FUND.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the President for  
24 “Child Survival and Health Programs Fund”,  
25 \$1,620,000,000 for fiscal year 2005 to carry out sections



1 104 and 496 of the Foreign Assistance Act of 1961 (22  
2 U.S.C. 2151b and 2293). Amounts authorized to be ap-  
3 propriated under this section are in addition to amounts  
4 available under other provisions of law to combat the  
5 human immunodeficiency virus (HIV), ~~or~~ the acquired im-  
6 mune deficiency syndrome (AIDS), *tuberculosis, or ma-*  
7 *laria.*

8 (b) FAMILY PLANNING PROGRAMS.—Of the amount  
9 authorized to be appropriated under subsection (a),  
10 \$346,000,000 may be used for assistance under sections  
11 104(b) and 496(i)(3) of the Foreign Assistance Act of  
12 1961 (22 U.S.C. 2151b(b) and 2293(i)(3)).

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

23 (1) in paragraph (2)—

24 (A) by striking subparagraphs (B) and

25 (C); and

1 (B) by striking “(2)(A)” and inserting  
2 “(2)”; and  
3 (2) in paragraph (3), by striking the last sen-  
4 tence.

5 **SEC. 2103. DEVELOPMENT CREDIT AUTHORITY.**

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

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

10 “(a) FINDINGS.—Congress makes the following find-  
11 ings:

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

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

22 “(3) Requiring risk-sharing guarantees and lim-  
23 iting guarantee assistance to private lenders encour-  
24 ages such lenders to provide appropriate oversight  
25 and management of development projects funded

1 with loans made by such lenders and, thereby, maxi-  
2 mize the benefit which such projects will achieve.

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

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

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

22 *“(d) POLICIES TO LIMIT FINANCIAL RISK TO THE*  
23 *UNITED STATES.—*

24 *“(1) PRIORITY FOR ASSISTANCE.—The President,*  
25 *in providing assistance under this section, shall give*

1 *priority to providing partial loan guarantees made*  
 2 *pursuant to the authority in subsection (c) that are*  
 3 *used in transactions in which the financial risk of*  
 4 *loss to the United States Government under such*  
 5 *guarantee does not exceed the financial risk of loss of*  
 6 *the private lender that receives such guarantee.*

7 “(2) *MAXIMUM EXPOSURE.*—*The investment or*  
 8 *risk of the United States in any one development*  
 9 *project may not exceed 70 percent of the total out-*  
 10 *standing investment or risk associated with such*  
 11 *project.*

12 ~~“(e) TERMS AND CONDITIONS.—Assistance provided~~  
 13 ~~“(e) TERMS AND CONDITIONS.—~~

14 “(1) *IN GENERAL.*—*Assistance provided under*  
 15 *this section shall be provided on such terms and con-*  
 16 *ditions as the President determines appropriate.*

17 “(2) *MAXIMUM TOTAL AMOUNT OF LOANS OR*  
 18 *GUARANTIES PER BORROWER.*—*The principal amount*  
 19 *of loans made or guaranteed under this section in*  
 20 *any fiscal year, with respect to any single country or*  
 21 *borrower, may not exceed \$100,000,000.*

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

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

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

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

15 “(i) AVAILABILITY OF FUNDS.—

16 “(1) IN GENERAL.—Of the amounts authorized  
17 to be available for the purposes of part I of this Act  
18 and for the Support for Eastern European Democ-  
19 racy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.),  
20 not more than \$21,000,000 for fiscal year 2005 may  
21 be made available to carry out this section.

22 “(2) TRANSFER OF FUNDS.—Amounts made  
23 available under paragraph (1) may be transferred to  
24 the Development Credit Authority Program Account  
25 established by subsection (h).

1           “(3) SUBSIDY COST.—Amounts made available  
2           under paragraph (1) shall be available for the sub-  
3           sidy cost, as defined in section 502(5) of the Federal  
4           Reform Credit Act of 1990 (2 U.S.C. 661a(5)), of  
5           activities under this section.

6           “(j) AUTHORIZATION OF APPROPRIATIONS.—

7           “(1) IN GENERAL.—There is authorized to be  
8           appropriated for administrative expenses to carry  
9           out this section \$8,000,000 for fiscal year 2005.

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

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

17   **SEC. 2104. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE**  
18                           **TO FOREIGN GOVERNMENTS AND FOREIGN**  
19                           **CENTRAL BANKS OF DEVELOPING OR TRAN-**  
20                           **SITIONAL COUNTRIES.**

21           Section 129(j)(1) of the Foreign Assistance Act of  
22           1961 (22 U.S.C. 2151aa(j)(1)) is amended by striking  
23           “\$5,000,000 for fiscal year 1999” and inserting  
24           “\$17,500,000 for fiscal year 2005”.

1 **SEC. 2105. INTERNATIONAL ORGANIZATIONS AND PRO-**  
2 **GRAMS.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
4 302 of the Foreign Assistance Act of 1961 (22 U.S.C.  
5 2222) is amended by striking subsections (a) through (j)  
6 and inserting the following:

7 “(a) There is authorized to be appropriated to the  
8 President \$304,450,000 for fiscal year 2005 for grants to  
9 carry out the purposes of this chapter. Amounts appro-  
10 priated pursuant to the authorization of appropriations in  
11 this section are in addition to amounts otherwise available  
12 for such purposes.”.

13 (b) CONFORMING AMENDMENTS.—Such section is  
14 further amended—

15 (1) in the heading, by striking “AUTHORIZA-  
16 TION.—” and inserting “AUTHORIZATION OF AP-  
17 PROPRIATIONS.—”; and

18 (2) by redesignating subsections (k), (l), and  
19 (m) as subsections (b), (c), and (d), respectively.

20 **SEC. 2106. CONTINUED AVAILABILITY OF CERTAIN FUNDS**  
21 **WITHHELD FROM INTERNATIONAL ORGANI-**  
22 **ZATIONS.**

23 Section 307 of the Foreign Assistance Act of 1961  
24 (22 U.S.C. 2227) is amended by adding at the end the  
25 following new subsection:

1       “(e) Funds available in any fiscal year to carry out  
 2 the provisions of this chapter that are returned or not  
 3 made available for organizations and programs because of  
 4 the application of this section shall remain available for  
 5 obligation until September 30 of the fiscal year after the  
 6 fiscal year for which such funds are appropriated.”.

7 **SEC. 2107. INTERNATIONAL DISASTER ASSISTANCE.**

8 **SEC. 2107. INTERNATIONAL DISASTER AND FAMINE ASSIST-**  
 9 **ANCE.**

10       Section 492(a) of the Foreign Assistance Act of 1961  
 11 (22 U.S.C. 2292a(a)) is amended by striking  
 12 “\$25,000,000 for fiscal year 1986 and \$25,000,000 for  
 13 fiscal year 1987” and inserting “\$385,500,000 for fiscal  
 14 year 2005”.

15 **SEC. 2108. TRANSITION INITIATIVES.**

16       Section 494 of the Foreign Assistance Act of 1961  
 17 (22 U.S.C. 2292c) is amended to read as follows:

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

19       “(a) TRANSITION AND DEVELOPMENT ASSIST-

20 ANCE.—The President is authorized to furnish assistance

21 to support the transition to democracy and to long-term

22 development in accordance with the general authority con-

23 tained in section 491, including assistance to—

24               “(1) develop, strengthen, or preserve democratic

25               institutions and processes;



1           “(2) revitalize basic infrastructure; and

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

3           “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to the President  
5 \$62,800,000 for fiscal year 2005 to carry out this section.

6           “(c) AVAILABILITY.—Amounts appropriated under  
7 this section for the purpose specified in subsection (b)—

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

10           “(2) are in addition to amounts otherwise avail-  
11 able to carry out this section.”.

12 **SEC. 2109. ASSISTANCE FOR THE INDEPENDENT STATES OF**  
13 **THE FORMER SOVIET UNION.**

14           (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to the President for “Assist-  
16 ance for the Independent States of the Former Soviet  
17 Union”, \$575,000,000 for fiscal year 2005 to carry out  
18 chapters 11 and 12 of part I of the Foreign Assistance  
19 Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.)  
20 *and the FREEDOM Support Act (22 U.S.C. 5801 et seq.)*.

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

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

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

3 **SEC. 2110. ASSISTANCE FOR EASTERN EUROPE AND THE**  
4           **BALTIC STATES.**

5           (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
6 authorized to be appropriated to the President for “Assist-  
7 ance for Eastern Europe and the Baltic States”  
8 \$415,000,000 for fiscal year 2005 to carry out the Sup-  
9 port for East European Democracy (SEED) Act of 1989  
10 (22 U.S.C. 5401 et seq.), and the Foreign Assistance Act  
11 of 1961 (22 U.S.C. 2151 et seq.).

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

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

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

18           (3) may be made available notwithstanding any  
19           other provision of law; and

20           (4) shall be considered to be economic assist-  
21           ance under the Foreign Assistance Act of 1961 (22  
22           U.S.C. 2151 et seq.) for purposes of making applica-  
23           ble the administrative authorities contained in that  
24           Act for the use of economic assistance.

1 **SEC. 2111. OPERATING EXPENSES OF THE UNITED STATES**  
2 **AGENCY FOR INTERNATIONAL DEVELOP-**  
3 **MENT.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 667 of the Foreign Assistance Act of 1961 (22 U.S.C.  
6 2427) is amended—

7 (1) in subsection (a)—

8 (A) by striking paragraph (1) and insert-  
9 ing the following:

10 “(1) \$623,400,000 for the fiscal year 2005 for  
11 necessary operating expenses of the United States  
12 Agency for International Development; and”

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

15 (2) by redesignating subsection (b) as sub-  
16 section (c); and

17 (3) by inserting after subsection (a) the fol-  
18 lowing new subsection (b):

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

22 “(1) \$36,400,000 for fiscal year 2005 for nec-  
23 essary operating expenses of the Office of Inspector  
24 General of the United States Agency for Inter-  
25 national Development; and

1           “(2) such amounts as may be necessary for in-  
 2           creases in pay, retirement, and other employee bene-  
 3           fits authorized by law for the employees of such Of-  
 4           fice, and for other nondiscretionary costs of such Of-  
 5           fice.”.

6           (b) CONFORMING AMENDMENT.—The heading of sec-  
 7           tion 667 of the Foreign Assistance Act of 1961 (22 U.S.C.  
 8           2427) is amended by striking “EXPENSES.—” and insert-  
 9           ing “EXPENSES OF THE UNITED STATES AGENCY FOR  
 10          INTERNATIONAL DEVELOPMENT.—”.

11   **SEC. 2112. CAPITAL INVESTMENT FUNDS FOR THE UNITED**  
 12                           **STATES AGENCY FOR INTERNATIONAL DE-**  
 13                           **VELOPMENT.**

14          There is authorized to be appropriated to the Admin-  
 15          istrator of the United States Agency for International De-  
 16          velopment \$64,800,000 for the fiscal year 2005 for over-  
 17          seas construction and related costs and for enhancement  
 18          of information technology and related investments.

19   **SEC. 2113. MILLENNIUM CHALLENGE ASSISTANCE.**

20          Section 619(a) of the Millennium Challenge Act of  
 21          2003 (title VI of division D of Public Law 108–199) is  
 22          amended to read as follows:

23          “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
 24          are authorized to be appropriated to carry out this title—

1           “(1) such sums as may be necessary for fiscal  
2           year 2004; and

3           “(2) \$2,000,000,000 for fiscal year 2005.”.

4 **SEC. 2114. CONTRIBUTIONS TO HEAVILY INDEBTED POOR**  
5 **COUNTRIES (HIPC) TRUST FUND.**

6           *Paragraph (1) of section 801(b) of the Foreign Oper-*  
7 *ations, Export Financing, and Related Programs Appro-*  
8 *priations Act, 2001, as enacted into law by Public Law*  
9 *106-429 (114 Stat. 1900A-64), is amended to read as fol-*  
10 *lows:*

11           “(1) *AUTHORIZATION OF APPROPRIATIONS FOR*  
12 *CONTRIBUTIONS.—There is authorized to be appro-*  
13 *priated for purposes of United States contributions to*  
14 *the Heavily Indebted Poor Countries (HIPC) Trust*  
15 *Fund administered by the Bank amounts as follows:*

16                   “(A) *For the period beginning October 1,*  
17                   *2000, and ending September 30, 2003,*  
18                   *\$435,000,000.*

19                   “(B) *For the period beginning October 1,*  
20                   *2004, and ending September 30, 2006,*  
21                   *\$75,000,000.”.*

1 **SEC. 2115. BILATERAL DEBT RELIEF FOR DEMOCRATIC RE-**  
2 **PUBLIC OF CONGO UNDER HEAVILY IN-**  
3 **DEBTED POOR COUNTRY INITIATIVE.**

4 (a) *CANCELLATION OF DEBT.*—*Subject to the avail-*  
5 *ability of amounts provided in advance in appropriations*  
6 *Acts, the President shall cancel all amounts owed to the*  
7 *United States (or any agency of the United States) by the*  
8 *Democratic Republic of Congo as a result of loans made*  
9 *or credits extended before June 20, 1999, under the provi-*  
10 *sions of law referred to in section 501(b) of Appendix E*  
11 *of Public Law 106–113 (113 Stat. 1501A–311).*

12 (b) *CONSTRUCTION WITH OTHER DEBT RELIEF AU-*  
13 *THORITY.*—*The authority provided in this section is in ad-*  
14 *dition to any other debt relief authority and does not in*  
15 *any way limit such authority.*

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—(1) *There*  
17 *is authorized to be appropriated to the President for the*  
18 *period beginning October 1, 2004, and ending September*  
19 *30, 2006, \$105,000,000 for the cost (as defined in section*  
20 *502(5) of the Federal Credit Reform Act of 1990) of the*  
21 *cancellation of any debt under subsection (a).*

22 (2) *Amounts authorized to be appropriated by para-*  
23 *graph (1) shall remain available until expended.*

24 **SEC. 2116. TROPICAL FOREST CONSERVATION.**

25 *There is authorized to be appropriated \$20,000,000 for*  
26 *fiscal year 2005 to carry out the Tropical Forest Conserva-*

1 *tion Act of 1998 (part V of the Foreign Assistance Act of*  
 2 *1961 (22 U.S.C. 2431 et seq.)).*

3 **Subtitle B—Counternarcotics, Se-**  
 4 **curity Assistance, and Related**  
 5 **Programs Authorizations**

6 **SEC. 2121. INTERNATIONAL NARCOTICS CONTROL AND LAW**  
 7 **ENFORCEMENT.**

8 (a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-  
 9 CAL YEAR 2005.—Paragraph (1) of section 482(a) of the  
 10 Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)) is  
 11 amended by striking “\$147,783,000” and all that follows  
 12 and inserting “\$1,089,820,000 for fiscal year 2005, of  
 13 which \$731,000,000 is authorized to be appropriated for  
 14 the Andean Counterdrug Initiative.”.

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

18 “(3) Notwithstanding any other provision of law,  
 19 amounts authorized to be appropriated to carry out the  
 20 purposes of section 481 for fiscal year 2005, and amounts  
 21 appropriated for fiscal years before fiscal year 2005 for  
 22 purposes of such section that remain available for obliga-  
 23 tion, *as well as assistance provided with amounts appro-*  
 24 *priated for fiscal years before fiscal year 2005,* may be used  
 25 to furnish assistance to the Government of Colombia—

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

3           “(B) to take actions to protect human health  
4 and welfare in emergency circumstances, including  
5 undertaking rescue operations.

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

8           “(A) shall be subject to the limitations on the  
9 assignment of United States personnel in Colombia  
10 under subsections (b) through (d) of section 3204 of  
11 the Emergency Supplemental Act, 2000 (division B  
12 of Public Law 106–246; 114 Stat. 576);

13           “(B) shall be subject to the condition that no  
14 United States Armed Forces personnel and no em-  
15 ployees of United States contractors participate in  
16 any combat operation in connection with such assist-  
17 ance; and

18           “(C) shall be subject to the condition that the  
19 Government of Colombia is fulfilling its commitment  
20 to the United States with respect to its human  
21 rights practices, including the specific conditions set  
22 forth in subparagraphs (A) through (E) of section  
23 ~~564(a)(2)~~ 563(a)(2) of the Foreign Operations, Ex-  
24 port Financing, and Related Programs Appropria-



1 tions Act, ~~2003~~ 2004 (division ~~E~~ D of Public Law  
2 ~~108–7~~; 117 Stat. ~~205~~ 108–199).”.

3 **SEC. 2122. ECONOMIC SUPPORT FUND.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C.  
6 2346a(a)) is amended to read as follows:

7 “(a) There is authorized to be appropriated to the  
8 President to carry out the purposes of this chapter  
9 \$2,520,000,000 for fiscal year 2005.”.

10 (b) AUTHORIZATION OF ASSISTANCE FOR ISRAEL.—  
11 Section 513(b)(1) of the Security Assistance Act of 2000  
12 (Public Law 106–280; 114 Stat. 856), as amended by sec-  
13 tion 1221(a) of the Security Assistance Act of 2002 (divi-  
14 sion B of Public Law 107–228; 116 Stat. 1430), is further  
15 amended—

16 (1) by striking “each of the fiscal years 2002  
17 and 2003” and inserting “fiscal year 2005”; and

18 (2) by striking “each such” and inserting  
19 “such”.

20 (c) AUTHORIZATION OF ASSISTANCE FOR EGYPT.—  
21 Section 514(b)(1) of the Security Assistance Act of 2000  
22 (114 Stat. 857), as amended by section 1221(b) of the  
23 Security Assistance Act of 2002 (116 Stat. 1430), is fur-  
24 ther amended—

1           (1) by striking “each of the fiscal years 2002  
2           and 2003” and inserting “fiscal year 2005”; and

3           (2) by striking “each such” and inserting  
4           “such”.

5 **SEC. 2123. INTERNATIONAL MILITARY EDUCATION AND**  
6           **TRAINING.**

7           Section 542 of the Foreign Assistance Act of 1961  
8           (22 U.S.C. 2347a) is amended by striking “There are au-  
9           thorized” and all that follows through “fiscal year 1987”  
10          and inserting “There is authorized to be appropriated to  
11          the President to carry out the purposes of this chapter  
12          \$89,730,000 for the fiscal year 2005”.

13 **SEC. 2124. PEACEKEEPING OPERATIONS.**

14          Section 552(a) of the Foreign Assistance Act of 1961  
15          (22 U.S.C. 2348a(a)) is amended by striking “There are  
16          authorized” and all that follows through “fiscal year  
17          1987” and inserting “There is authorized to be appro-  
18          priated to the President to carry out the purposes of this  
19          chapter, in addition to amounts otherwise available for  
20          such purposes, \$104,000,000 for the fiscal year 2005”.

21 **SEC. 2125. NONPROLIFERATION, ANTI-TERRORISM,**  
22           **DEMINING, AND RELATED ASSISTANCE.**

23          (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
24          authorized to be appropriated to the President for fiscal  
25          year 2005, \$485,200,000 for Nonproliferation, Anti-Ter-

1 rorism, Demining, and Related Programs for the purpose  
2 of carrying out nonproliferation, anti-terrorism, demining,  
3 and related programs and activities under—

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

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

8 (3) *paragraph (2) of* section 551 of the Foreign  
9 Assistance Act of 1961 (22 U.S.C. 2348), as ~~amend-~~  
10 ~~ed~~ *added* by section 2212 of this Act, ~~to the extent~~  
11 ~~such assistance is used for activities identified in the~~  
12 ~~last sentence of that section,~~ including not to exceed  
13 \$675,000 for administrative expenses related to ~~such~~  
14 *the activities described in such paragraph*, which  
15 amount shall be in addition to funds otherwise made  
16 available for such purposes;

17 (4) section 504 of the FREEDOM Support Act  
18 (22 U.S.C. 5854) and programs under the Non-  
19 proliferation and Disarmament Fund to promote bi-  
20 lateral and multilateral activities relating to non-  
21 proliferation and disarmament, notwithstanding any  
22 other provision of law, including, when in the na-  
23 tional security interests of the United States, with  
24 respect to international organizations and countries

1 other than the independent states of the former So-  
2 viet Union;

3 (5) section 23 of the Arms Export Control Act  
4 (22 U.S.C. 2763), for demining activities, the clear-  
5 ance of unexploded ordnance, the destruction of  
6 small arms, and related activities, notwithstanding  
7 any other provision of law;

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

10 (7) the Radiological Terrorism Security Act of  
11 2004 under title XXIII of this Act; and

12 (8) the Global Pathogen Surveillance Act of  
13 2004 under title XXIV of this Act.

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

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

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

20 **SEC. 2126. FOREIGN MILITARY FINANCING PROGRAM.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to the President for grant  
23 assistance under section 23 of the Arms Export Control  
24 Act (22 U.S.C. 2763), \$4,957,500,000 for fiscal year  
25 2005.

1 (b) ASSISTANCE FOR ISRAEL.—Section 513(c) of the  
2 Security Assistance Act of 2000 (Public Law 106–280;  
3 114 Stat. 856), as amended by section 1221(a) of the Se-  
4 curity Assistance Act of 2002 (division B of Public Law  
5 107–228; 116 Stat. 1430), is further amended—

6 (1) in paragraph (1)—

7 (A) by striking “each of the fiscal years  
8 2002 and 2003” and inserting “fiscal year  
9 2005”; and

10 (B) by striking “each such” and inserting  
11 “such”;

12 (2) in paragraph (3), by striking “Funds au-  
13 thorized” and all that follows through “later.” and  
14 inserting “Funds authorized to be available for  
15 Israel under subsection (b)(1) and paragraph (1) for  
16 fiscal year 2005 shall be disbursed not later than 30  
17 days after the date of the enactment of an Act mak-  
18 ing appropriations for foreign operations, export fi-  
19 nancing, and related programs for fiscal year 2005,  
20 or October 31, 2004, whichever is later”; and

21 (3) in paragraph (4)—

22 (A) by striking “fiscal years 2002 and  
23 2003” and inserting “fiscal year 2005”; and

24 (B) by striking “\$535,000,000 for fiscal  
25 year 2002 and not less than \$550,000,000 for

1           fiscal year 2003” and inserting  
2           “\$580,000,000”.

3           (c) ASSISTANCE FOR EGYPT.—Section 514 of the Se-  
4   curity Assistance Act of 2000 (114 Stat. 857), as amend-  
5   ed by section 1221(b) of the Security Assistance Act of  
6   2002 (116 Stat. 1430), is further amended—

7           (1) in subsection (c) by striking “each of the  
8   fiscal years 2002 and 2003” and inserting “for fis-  
9   cal year 2005”; and

10          (2) in subsection (e), by striking “Funds esti-  
11   mated” and all that follows through “of the respec-  
12   tive fiscal year, whichever is later” and inserting the  
13   following: “Funds estimated to be outlayed for  
14   Egypt under subsection (c) during fiscal year 2005  
15   shall be disbursed to an interest-bearing account for  
16   Egypt in the Federal Reserve Bank of New York not  
17   later than 30 days after the date of the enactment  
18   of an Act making appropriations for foreign oper-  
19   ations, export financing, and related programs for  
20   fiscal year 2005, or by October 31, 2004, whichever  
21   is later”.

1    **Subtitle C—Independent Agencies**  
2                                    **Authorizations**

3    **SEC. 2131. INTER-AMERICAN FOUNDATION.**

4            Section ~~401(s)(2)~~ *401(s)* of the Foreign Assistance  
5 Act of 1969 (22 U.S.C. 290f(s)~~(2)~~) is amended by striking  
6 “There are authorized to be appropriated \$28,000,000 for  
7 fiscal year 1992 and \$31,000,000 for fiscal year 1993”  
8 and inserting “*There is amended to read as follows:*

9            “(s) *There is authorized to be appropriated*  
10 \$15,185,000 for fiscal year 2005 *to carry out this section.*  
11 *Amounts appropriated pursuant to the authorization in*  
12 *this subsection are authorized to remain available until ex-*  
13 *pended.”.*

14    **SEC. 2132. AFRICAN DEVELOPMENT FOUNDATION.**

15            The first sentence of section 510 of the International  
16 Security and Development Cooperation Act of 1980 (22  
17 U.S.C. 290h–8) is amended by striking “\$3,872,000 for  
18 fiscal year 1986 and \$3,872,000 for fiscal year 1987” and  
19 inserting “\$17,000,000 for fiscal year 2005”.

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

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

7 **SEC. 2201. 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. 2202. 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. 2203. 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. 2204. 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)~~ 2291a(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

24 (3) *by* inserting “(including lethal or nonlethal  
 25 property)” *after* “*excess property*”; and

1           ~~(3)~~(4) 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. 2205. 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 “disasters.”  
14 and inserting “disasters and for programs of recon-  
15 struction following such disasters.”;

16           (2) in subsection (b), by inserting “programs of  
17 reconstruction following disasters,” after “prepared-  
18 ness,”; and

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

1 **SEC. 2205. RECONSTRUCTION AND FAMINE ASSISTANCE**  
2 **UNDER INTERNATIONAL DISASTER ASSIST-**  
3 **ANCE AUTHORITY.**

4 (a) *IN GENERAL.*—Section 491 of the Foreign Assist-  
5 *ance Act of 1961 (22 U.S.C. 2292) is amended—*

6 (1) *in subsection (a)—*

7 (A) *by striking “manmade disasters” and*  
8 *inserting “manmade disasters, including fam-*  
9 *ine,”; and*

10 (B) *by striking “disasters.” and inserting*  
11 *“disasters and for programs of reconstruction fol-*  
12 *lowing such disasters.”;*

13 (2) *in subsection (b), by inserting “programs of*  
14 *reconstruction following disasters,” after “prepared-*  
15 *ness,”; and*

16 (3) *in subsection (c)—*

17 (A) *by striking “relief and rehabilitation”*  
18 *and inserting “relief, rehabilitation, and recon-*  
19 *struction assistance”; and*

20 (B) *by striking “disasters.” and inserting*  
21 *“disasters, including famine.”.*

22 (b) *CONFORMING AMENDMENT.*—*The heading of chap-*  
23 *ter 9 of part I of such Act is amended by inserting “AND*  
24 *FAMINE” after “DISASTER”.*

1 **SEC. 2206. 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 *paragraphs (1) and (2) of* section  
14 498C(b)(~~4~~) (22 U.S.C. 2295c(b)(1) *and* (2)), by  
15 striking “under subsection (a)” and inserting “to  
16 carry out this chapter”.

17 **SEC. 2207. WAIVER OF NET PROCEEDS RESULTING FROM**  
18 **DISPOSAL OF UNITED STATES DEFENSE AR-**  
19 **TICLES PROVIDED TO A FOREIGN COUNTRY**  
20 **ON A GRANT BASIS.**

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

1 **SEC. 2208. 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 ~~2231(h)~~ 2321h), the President may transfer to  
8 Israel, in exchange for concessions to be negotiated  
9 by the Secretary of Defense, with the concurrence of  
10 the Secretary, 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. 2209. ADDITIONS TO WAR RESERVE STOCKPILES FOR**  
16 **ALLIES FOR FISCAL YEARS 2004 AND 2005.**

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 2004 and 2005”; and

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

1 **SEC. 2210. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS**  
2 **FOR LEBANON.**

3 Section 1224 of the Foreign Relations Authorization  
4 Act, Fiscal Year 2003 (22 U.S.C. 2346 note) is amended  
5 by adding at the end the following subsection:

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

9 **SEC. 2211. ADMINISTRATION OF JUSTICE.**

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

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

14 (2) in subsection (b)(3)—

15 (A) in subparagraph (C), by striking “*pro-*  
16 *cedures; and*” and inserting “*procedures;*”;

17 (B) in subparagraph (D), by inserting  
18 “and” after the semicolon; and

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

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

23 (3) by striking subsection (e);

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



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

3 **SEC. 2212. 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 and used in support of  
20           the clearance of landmines and unexploded ordnance for  
21           humanitarian purposes, may be disposed of on a grant  
22           basis in foreign countries, subject to such terms and condi-  
23           tions 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 sought out and attacked workers clearing land-  
25 mines, in an attempt to discredit the Govern-

1           ment of President Karzai and the United States  
2           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~~ *ASSISTANCE AUTHORITY*.—  
14          The President is authorized to furnish assistance to  
15          fund innovative programs designed to educate chil-  
16          dren in Afghanistan and other affected areas about  
17          the dangers of landmines and other unexploded ordi-  
18          nances, especially those proposed by organizations  
19          with extensive background in children’s educational  
20          programs.

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

1 cal year 2005 such sums as may be necessary to  
2 carry out the purposes of this subsection.

3 **SEC. 2213. 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. 2214. PROHIBITION OF ASSISTANCE FOR COUNTRIES**  
8 **IN 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. 2215. 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. 2216. 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. 2384) 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. 2217. 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. 2218. 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. 2219. 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. 2220. 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. 2221. 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 (4), by striking “or”;*

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

19 ~~(B)~~(C) *by striking the period at the end of*  
20 *paragraph (7) and inserting a semicolon; and*

21 ~~(C)~~(D) *by adding at the end the following*  
22 *new paragraphs:*

23 “(8) with respect to assistance to combat cor-  
24 ruption in furtherance of the objectives for which

1 programs are authorized to be established under sec-  
 2 tion 133 of this Act (~~22 U.S.C. 2152e~~);

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

8 “(10) with respect to assistance to combat traf-  
 9 ficking in persons.”; and

10 (2) by striking subsection (d) and inserting the  
 11 following:

12 “(d) Subsection (a) ~~does~~ *shall* not apply to assistance  
 13 for law enforcement forces for which the ~~Secretary~~ *Presi-*  
 14 *dent*, on a case-by-case basis, determines that it is impor-  
 15 tant to the national interest of the United States to fur-  
 16 nish such assistance and submits to the committees of the  
 17 Congress referred to in subsection (a) of section 634A of  
 18 this Act (~~22 U.S.C. 2394-1~~) an advance notification of  
 19 the obligation of funds for such assistance in accordance  
 20 with such section 634A.”.

21 **SEC. 2222. SPECIAL DEBT RELIEF FOR THE POOREST**  
 22 ***COUNTRIES.***

23 The Foreign Assistance Act of 1961 is amended by  
 24 adding at the end the following:

1 “PART VI—SPECIAL DEBT RELIEF FOR THE  
2 POOREST *COUNTRIES*

3 “**SEC. 901. SPECIAL DEBT RELIEF FOR THE POOREST COUN-**  
4 ***TRIES.***

5 “(a) **AUTHORITY.**—Subject to subsections (b) and  
6 (c), the President may reduce amounts owed to the United  
7 States (or any agency of the United States) by an eligible  
8 country as a result of any of the following transactions:

9 “(1) Concessional loans extended under part I  
10 of this Act, or chapter 4 of part II of this Act, or  
11 antecedent foreign economic assistance laws.

12 “(2) Guarantees issued under sections 221 and  
13 222 of this Act.

14 “(3) Credits extended or guarantees issued  
15 under the Arms Export Control Act (22 U.S.C.  
16 2751 et seq.).

17 “(4) Any obligation, or portion of such obliga-  
18 tion, to pay for purchases of United States agricul-  
19 tural commodities guaranteed by the Commodity  
20 Credit Corporation under export credit guarantee  
21 programs authorized pursuant to—

22 “(A) section 5(f) of the Commodity Credit  
23 Corporation Charter Act (15 U.S.C. 714c(f));

24 “(B) section 201(b) of the Agricultural  
25 Trade Act of 1978 (7 U.S.C. 5621(b)); or

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. 2223. 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, the United States Fish and Wildlife  
17 Service, the National Park Service, the National  
18 Forest Service, and National Aeronautics and Space  
19 Administration, was established to address in a vari-  
20 ety 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 2005 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 2005.

14 **SEC. 2224. 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. 2225. 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 is author-  
13 ized to designate an appropriate private, nonprofit  
14 organization that is organized or incorporated under  
15 the laws of the United States or of a State as the  
16 Middle East Foundation (referred to in this section  
17 as the “Foundation”).

18           (2) FUNDING.—The Secretary is authorized to  
19 provide funding to the Foundation through the Mid-  
20 dle East Partnership Initiative of the Department.  
21 The Foundation shall use amounts provided under  
22 this paragraph to carry out the purposes of this sec-  
23 tion, including through making grants and providing  
24 other assistance to entities to carry out programs for  
25 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~~ *appropriate congressional committees* be-  
6           fore designating an appropriate organization as the  
7           Foundation.

8           (c) GRANTS FOR PROJECTS.—

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

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

1       grams, and other activities to inform public policy-  
2       making in the Middle East and to promote broad  
3       economic, social, and political reform for the people  
4       of the Middle East.

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

11      (d) PRIVATE CHARACTER OF THE FOUNDATION.—

12   Nothing in this section shall be construed to—

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

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

22      (e) LIMITATION ON PAYMENTS TO FOUNDATION

23   PERSONNEL.—No part of the funds provided to the Foun-  
24   dation under this section shall inure to the benefit of any

1 officer or employee of the Foundation, except as salary  
2 or reasonable compensation for services.

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

10 (g) FINANCIAL ACCOUNTABILITY.—

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

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

1 be prescribed by the Comptroller General of the  
2 United States.

3 (3) AUDITS OF GRANT RECIPIENTS.—

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

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

12 (i) separate accounts with respect to  
13 the grant funds;

14 (ii) records that fully disclose the use  
15 of the grant funds;

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

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

23 (h) ANNUAL REPORTS.—Not later than January 31,  
24 2006, and annually thereafter, the Foundation shall sub-  
25 mit to Congress and make available to the public an an-

1 nual report that includes, for the fiscal year prior to the  
 2 fiscal year in which the report is submitted, a comprehen-  
 3 sive and detailed description of—

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

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

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

11 (4) the financial condition of the Foundation.

12 **SEC. 2226. DATABASE OF UNITED STATES MILITARY ASSIST-**  
 13 **ANCE.**

14 *Section 655 of the Foreign Assistance Act of 1961 (22*  
 15 *U.S.C. 2415) is amended by striking subsection (c) and in-*  
 16 *serting the following:*

17 *“(c) AVAILABILITY OF REPORT INFORMATION ON THE*  
 18 *INTERNET.—*

19 *“(1) REQUIREMENT FOR DATABASE.—The Sec-*  
 20 *retary of State, in consultation with the Secretary of*  
 21 *Defense, shall make available to the public the unclas-*  
 22 *sified portion of each such report in the form of a*  
 23 *database that is available via the Internet and that*  
 24 *may be searched by various criteria.*

1           “(2) *SCHEDULE FOR UPDATING.*—Not later than  
2           *April 1 of each year, the Secretary of State shall*  
3           *make available in the database the information con-*  
4           *tained in the annual report for the fiscal year ending*  
5           *the previous September 30.”.*

6   **SEC. 2227. MILLENNIUM CHALLENGE ASSISTANCE FOR CER-**  
7                                   **TAIN COUNTRIES.**

8           *Section 616(d) of the Millennium Challenge Act of*  
9           *2003 (title VI of division D of Public Law 108–199) is*  
10          *amended to read as follows:*

11          “(d) *FUNDING.*—Amounts may be available to carry  
12          out this subsection as follows:

13                  “(1) *Not more than 10 percent of the amount ap-*  
14                  *propriated pursuant to the authorization of appro-*  
15                  *priations under section 619(a) for fiscal year 2004 is*  
16                  *authorized to be made available to carry out this sec-*  
17                  *tion.*

18                  “(2) *Not more than 10 percent of the amount ap-*  
19                  *propriated pursuant to the authorization of appro-*  
20                  *priations under section 619(a) for fiscal year 2005 is*  
21                  *authorized to be made available to carry out this sec-*  
22                  *tion.”.*

1 **Subtitle B—Arms Export Control**  
2 **Act Amendments and Related**  
3 **Provisions**

4 **SEC. 2231. THRESHOLDS FOR ADVANCE NOTICE TO CON-**  
5 **GRESS OF SALES OR UPGRADES OF DEFENSE**  
6 **ARTICLES, DESIGN AND CONSTRUCTION**  
7 **SERVICES, AND MAJOR DEFENSE EQUIP-**  
8 **MENT.**

9 (a) LETTERS OF OFFER TO SELL.—Subsection (b)  
10 of section 36 of the Arms Export Control Act (22 U.S.C.  
11 2776) is amended—

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

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

15 (B) by striking “*Act for* \$50,000,000” and  
16 inserting “*Act for* \$100,000,000”;

17 (C) by striking “services for  
18 \$200,000,000” and inserting “services for  
19 \$350,000,000”;

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

22 (E) by inserting “and in other cases if the  
23 President determines it is appropriate,” before  
24 “before such letter”;

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



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

3 (B) by striking “costs \$14,000,000” and  
4 inserting “costs \$50,000,000”;

5 (C) by striking “equipment, \$50,000,000”  
6 and inserting “equipment, \$100,000,000”;

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

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

12 (3) by striking paragraph (6).

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

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

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

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

21 (C) by striking “*services sold under a con-*  
22 *tract in the amount of \$50,000,000*” and insert-  
23 ing “*services sold under a contract in the*  
24 *amount of \$100,000,000*”; and

1 (D) by inserting “and in other cases if the  
2 President determines it is appropriate,” before  
3 “before issuing such”;

4 (2) in the last sentence of paragraph (2), by  
5 striking “(A) and (B)” and inserting “(A), (B), and  
6 (C)”; and

7 (3) by striking paragraph (5).

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

11 (1) in paragraphs (1) and (3)(A)—

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

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

16 (C) by striking “*service valued (in terms of*  
17 *its original acquisition cost) at \$50,000,000”*  
18 and inserting “*service valued (in terms of its*  
19 *original acquisition cost) at \$100,000,000”*; and  
20 (2) by striking paragraph (5).

21 **SEC. 2232. CLARIFICATION OF REQUIREMENT FOR AD-**  
22 **VANCE NOTICE TO CONGRESS OF COM-**  
23 **PREHENSIVE EXPORT AUTHORIZATIONS.**

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

1 (1) in paragraph (1)—

2 (A) by inserting “(A)” after “(1)”;

3 (B) by striking “this subsection” and in-  
4 serting “this subparagraph”; and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(B) Notwithstanding section 27(g), in the case of  
8 a comprehensive authorization described in section 126.14  
9 of title 22, Code of Federal Regulations (or any cor-  
10 responding similar regulation) for the proposed export of  
11 defense articles or defense services in an amount that ex-  
12 ceeds a limitation set forth in subsection (c)(1), before the  
13 comprehensive authorization is approved or the addition  
14 of a foreign government or other foreign partner to the  
15 comprehensive authorization is approved, the President  
16 shall submit a certification with respect to the comprehen-  
17 sive authorization in a manner similar to the certification  
18 required under subsection (c)(1) of this section and con-  
19 taining comparable information, except that the last sen-  
20 tence of such subsection shall not apply to certifications  
21 submitted pursuant to this subparagraph.”; and

22 (2) in paragraph (4), by striking “Approval for  
23 an agreement subject to paragraph (1) may not be  
24 given under section 38” and inserting “Approval for  
25 an agreement subject to paragraph (1)(A), or for a

1 comprehensive authorization subject to paragraph  
2 (1)(B), may not be given under section 38 or section  
3 126.14 of title 22, Code of Federal Regulations (or  
4 any corresponding similar regulation), as the case  
5 may be.”.

6 **SEC. 2233. EXCEPTION TO BILATERAL AGREEMENT RE-**  
7 **QUIREMENTS FOR TRANSFERS OF DEFENSE**  
8 **ITEMS.**

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

11 (1) Close defense cooperation between the  
12 United States and each of the United Kingdom and  
13 Australia requires interoperability among the armed  
14 forces of those countries.

15 (2) The need for interoperability must be bal-  
16 anced with the need for appropriate and effective  
17 regulation of trade in defense items.

18 (3) The Arms Export Control Act (22 U.S.C.  
19 2751 et seq.) authorizes the executive branch to ad-  
20 minister arms export policies enacted by Congress in  
21 the exercise of its constitutional power to regulate  
22 commerce with foreign nations.

23 (4) The executive branch has exercised its au-  
24 thority under the Arms Export Control Act, in part,

1 through the International Traffic in Arms Regula-  
2 tions.

3 (5) Agreements to gain exemption from the  
4 International Traffic in Arms Regulations must be  
5 submitted to Congress for review.

6 (b) DEFINITIONS.—In this section:

7 (1) DEFENSE ITEMS.—The term “defense  
8 items” has the meaning given the term in section 38  
9 of the Arms Export Control Act (22 U.S.C. 2778).

10 (2) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
11 TIONS.—The term “International Traffic in Arms  
12 Regulations” means the regulations maintained  
13 under parts 120 through 130 of title 22, Code of  
14 Federal Regulations, and any successor regulations.

15 (c) EXCEPTIONS FROM BILATERAL AGREEMENT RE-  
16 QUIREMENTS.—

17 (1) IN GENERAL.—Subsection (j) of section 38  
18 of the Arms Export Control Act (22 U.S.C. 2778)  
19 is amended—

20 (A) by redesignating paragraph (4) as  
21 paragraph (5); and

22 (B) by inserting after paragraph (3) the  
23 following new paragraph (4):

24 “(4) EXCEPTIONS FROM BILATERAL AGREE-  
25 MENT REQUIREMENTS.—

1           “(A) AUSTRALIA.—Subject to the provi-  
2           sions of section 2233 of the Foreign Assistance  
3           Authorization Act, Fiscal Year 2005, the re-  
4           quirements for a bilateral agreement described  
5           in paragraph (2)(A) shall not apply to a bilat-  
6           eral agreement between the United States Gov-  
7           ernment and the Government of Australia with  
8           respect to transfers or changes in end use of  
9           defense items within Australia that will remain  
10          subject to the licensing requirements of this Act  
11          after such agreement enters into force.

12          “(B) UNITED KINGDOM.—Subject to the  
13          provisions of section 2233 of the Foreign As-  
14          sistance Authorization Act, Fiscal Year 2005,  
15          the requirements for a bilateral agreement de-  
16          scribed in paragraphs (1)(A)(ii), (2)(A)(i), and  
17          (2)(A)(ii) shall not apply to a bilateral agree-  
18          ment between the United States Government  
19          and the Government of the United Kingdom for  
20          an exemption from the licensing requirements  
21          of this Act.”.

22          (2) CONFORMING AMENDMENT.—Paragraph (2)  
23          of such subsection is amended in the matter pre-  
24          ceding subparagraph (A) by striking “A bilateral

1 agreement” and inserting “Except as provided in  
2 paragraph (4), a bilateral agreement”.

3 (d) CERTIFICATIONS.—Not later than 30 days before  
4 authorizing an exemption from the licensing requirements  
5 of the International Traffic in Arms Regulations in ac-  
6 cordance with any bilateral agreement entered into with  
7 the United Kingdom or Australia under section 38(j) of  
8 the Arms Export Control Act (22 U.S.C. 2778(j)), as  
9 amended by subsection (c), the President shall certify to  
10 the appropriate congressional committees that such agree-  
11 ment—

12 (1) is in the national interest of the United  
13 States and will not in any way affect the goals and  
14 policy of the United States under section 1 of the  
15 Arms Export Control Act (22 U.S.C. 2751);

16 (2) does not adversely affect the efficacy of the  
17 International Traffic in Arms Regulations to provide  
18 consistent and adequate controls for licensed exports  
19 of United States defense items; and

20 (3) will not adversely affect the duties or re-  
21 quirements of the Secretary under the Arms Export  
22 Control Act.

23 (e) NOTIFICATION OF BILATERAL LICENSING EX-  
24 EMPTIONS.—Not later than 30 days before authorizing an  
25 exemption from the licensing requirements of the Inter-

1 national Traffic in Arms Regulations in accordance with  
2 any bilateral agreement entered into with the United  
3 Kingdom or Australia under section 38(j) of the Arms Ex-  
4 port Control Act (22 U.S.C. 2778(j)), as amended by sub-  
5 section (e), the President shall submit to the appropriate  
6 congressional committees the text of the regulations that  
7 authorize such a licensing exemption.

8 (f) REPORT ON CONSULTATION ISSUES.—Not later  
9 than one year after the date of the enactment of this Act  
10 and annually thereafter for each of the following 5 years,  
11 the President shall submit to the appropriate congres-  
12 sional committees a report on issues raised during the pre-  
13 vious year in consultations conducted under the terms of  
14 any bilateral agreement entered into with Australia under  
15 section 38(j) of the Arms Export Control Act, or under  
16 the terms of any bilateral agreement entered into with the  
17 United Kingdom under such section, for exemption from  
18 the licensing requirements of the Arms Export Control Act  
19 (22 U.S.C. 2751 et seq.). Each report shall contain—

20 (1) detailed information on any notifications or  
21 consultations between the United States and the  
22 United Kingdom under the terms of any agreement  
23 with the United Kingdom, or between the United  
24 States and Australia under the terms of any agree-  
25 ment with Australia, concerning the modification,



1 deletion, or addition of defense items on the United  
2 States Munitions List, the United Kingdom Military  
3 List, or the Australian Defense and Strategic Goods  
4 List;

5 (2) a list of all United Kingdom or Australia  
6 persons and entities that have been designated as  
7 qualified persons eligible to receive United States or-  
8 igin defense items exempt from the licensing require-  
9 ments of the Arms Export Control Act under the  
10 terms of such agreements, and listing any modifica-  
11 tion, deletion, or addition to such lists, pursuant to  
12 the requirements of any agreement with the United  
13 Kingdom or any agreement with Australia;

14 (3) detailed information on consultations or  
15 steps taken pursuant to any agreement with the  
16 United Kingdom or any agreement with Australia  
17 concerning cooperation and consultation with either  
18 government on the effectiveness of the defense trade  
19 control systems of such government;

20 (4) detailed information on provisions and pro-  
21 cedures undertaken pursuant to—

22 (A) any agreement with the United King-  
23 dom with respect to the handling of United  
24 States origin defense items exempt from the li-  
25 censing requirements of the Arms Export Con-

1           trol Act by persons and entities qualified to re-  
2           ceive such items in the United Kingdom; and

3                   (B) any agreement with Australia with re-  
4           spect to the handling of United States origin  
5           defense items exempt from the licensing re-  
6           quirements of the Arms Export Control Act by  
7           persons and entities qualified to receive such  
8           items in Australia;

9           (5) detailed information on any new under-  
10          standings, including the text of such understandings,  
11          between the United States and the United Kingdom  
12          concerning retransfer of United States origin de-  
13          fense items made pursuant to any agreement with  
14          the United Kingdom to gain exemption from the li-  
15          censing requirements of the Arms Export Control  
16          Act;

17          (6) detailed information on consultations with  
18          the Government of the United Kingdom or the Gov-  
19          ernment of Australia concerning the legal enforce-  
20          ment of any such agreements;

21          (7) detailed information on United States origin  
22          defense items with respect to which the United  
23          States has provided an exception under the Memo-  
24          randum of Understanding between the United States  
25          and the United Kingdom and any agreement be-

1       tween the United States and Australia from the re-  
2       quirement for United States Government re-export  
3       consent that was not provided for under United  
4       States laws and regulations in effect on the date of  
5       the enactment of this Act; and

6               (8) detailed information on any significant con-  
7       cerns that have arisen between the Government of  
8       Australia or the Government of the United Kingdom  
9       and the United States Government concerning any  
10      aspect of any bilateral agreement between such  
11      country and the United States to gain exemption  
12      from the licensing requirements of the Arms Export  
13      Control Act.

14      (g) SPECIAL NOTIFICATIONS.—

15              (1) REQUIRED NOTIFICATIONS.—The Secretary  
16      shall notify the appropriate congressional commit-  
17      tees; ~~in a manner consistent with ongoing efforts to~~  
18      ~~investigate and bring civil or criminal charges re-~~  
19      ~~garding such matters;~~ not later than 90 days after  
20      receiving any credible information regarding an un-  
21      authorized end-use or diversion of United States ex-  
22      ports of goods or services made pursuant to any  
23      agreement with a country to gain exemption from  
24      the licensing requirements of the Arms Export Con-  
25      trol Act. The notification shall be made in a manner

1 that is consistent with any ongoing efforts to inves-  
 2 tigate and commence civil actions or criminal ~~pres-~~  
 3 ~~ecutions~~ *investigations or prosecutions* regarding  
 4 such matters and may be made in classified or un-  
 5 classified form.

6 (2) CONTENT.—The notification regarding an  
 7 unauthorized end-use or diversion of goods or serv-  
 8 ices under paragraph (1) shall include—

9 (A) a description of the goods or services;

10 (B) the United States origin of the good or  
 11 service;

12 (C) the authorized recipient of the good or  
 13 service;

14 (D) a detailed description of the unauthor-  
 15 ized end-use or diversion, including any knowl-  
 16 edge by the United States exporter of such un-  
 17 authorized end-use or diversion;

18 (E) any enforcement action taken by the  
 19 Government of the United States; and

20 (F) any enforcement action taken by the  
 21 government of the recipient nation.

22 **SEC. 2234. AUTHORITY TO PROVIDE CATALOGING DATA**  
 23 **AND SERVICES TO NON-NATO COUNTRIES.**

24 Section 21(h)(2) of the Arms Export Control Act (22  
 25 U.S.C. 2761(h)(2)) is amended by striking “to the North

1 Atlantic Treaty Organization or to any member govern-  
 2 ment of that Organization if that Organization or member  
 3 government” and inserting “to the North Atlantic Treaty  
 4 Organization, to any member government of that Organi-  
 5 zation, or to the government of any other country if that  
 6 Organization, member government, or other government”.

7 **SEC. 2235. FREEDOM SUPPORT ACT PERMANENT WAIVER**  
 8 **AUTHORITY.**

9 (a) **AUTHORITY TO WAIVE RESTRICTIONS AND ELI-**  
 10 **GIBILITY REQUIREMENTS.**—If the President submits the  
 11 certification and report described in subsection (b) with  
 12 respect to an independent state of the former Soviet Union  
 13 for a fiscal year, funds may be obligated and expended  
 14 during that fiscal year under sections 503 and 504 of the  
 15 **FREEDOM Support Act (22 U.S.C. 5853 and 5854)** for  
 16 assistance or other programs and activities for that state  
 17 even if that state has not met one or more of the require-  
 18 ments for eligibility under paragraphs (1) through (4) of  
 19 section 502 of such Act (22 U.S.C. 5852).

20 (b) **CERTIFICATION AND REPORT.**—

21 (1) **IN GENERAL.**—The certification and report  
 22 referred to in subsection (a) are a written certifi-  
 23 cation submitted by the President to Congress that  
 24 the waiver of the restriction under such section 502  
 25 and the requirements in that section during the fis-

1 cal year covered by such certification is important to  
2 the national security interests of the United States,  
3 together with a report containing the following:

4 (A) A description of the activity or activi-  
5 ties that prevent the President from certifying  
6 that the state is committed to the matters set  
7 forth in the provisions of law specified in sub-  
8 section (a) in such fiscal year.

9 (B) An explanation of why the waiver is  
10 important to the national security interests of  
11 the United States.

12 (C) A description of the strategy, plan, or  
13 policy of the President for promoting the com-  
14 mitment of the state to, and compliance by the  
15 state with, such matters, notwithstanding the  
16 waiver.

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

20 **SEC. 2236. EXTENSION OF PAKISTAN WAIVERS.**

21 The Act entitled “An Act to authorize the President  
22 to exercise waivers of foreign assistance restrictions with  
23 respect to Pakistan through September 30, 2003, and for  
24 other purposes”, approved October 27, 2001 (Public Law  
25 107–57; 115 Stat. 403), as amended by section 2213 of

1 the Emergency Supplemental Appropriations Act for De-  
2 fense and for the Reconstruction of Iraq and Afghanistan,  
3 2004 (Public Law 108–106; 117 Stat. 1232), is further  
4 amended—

5 (1) in section 1(b)—

6 (A) in the heading, by striking “2004” and  
7 inserting “2005”; and

8 (B) in paragraph (1), by striking “2004”  
9 and inserting “2005”;

10 (2) in section 3(2), by striking “and 2004,”  
11 and inserting “2004, and 2005,”; and

12 (3) in section 6, by striking “2004” and insert-  
13 ing “2005”.

14 **SEC. 2237. CONSOLIDATION OF REPORTS ON NON-**  
15 **PROLIFERATION IN SOUTH ASIA.**

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

18 “(c) REPORT.—The report required to be submitted  
19 to Congress not later than April 1, 2005 pursuant to sec-  
20 tion 620F(c) of the Foreign Assistance Act of 1961 (22  
21 U.S.C. 2376(c)) shall include a description of the efforts  
22 of the United States Government to achieve the objectives  
23 described in subsections (a) and (b), the progress made  
24 toward achieving such objectives, and the likelihood that  
25 such objectives will be achieved by September 30, 2005.”.

1 **SEC. 2238. HAITIAN COAST GUARD.**

2       The Government of Haiti shall be eligible to purchase  
3 defense articles and services for the Haitian Coast Guard  
4 under the Arms Export Control Act (22 U.S.C. 2751 et  
5 seq.), subject to the prior notification requirements under  
6 section 634A of the Foreign Assistance Act of 1961 (22  
7 U.S.C. 2394–1).

8 **SEC. 2239. MARKETING INFORMATION FOR COMMERCIAL**  
9 **COMMUNICATIONS SATELLITES.**

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

18       (b) **MARKETING INFORMATION.**—In this section, the  
19 term “marketing information” means data that a seller  
20 must provide to a potential customer (including a foreign  
21 end-user) that will enable the customer to make a pur-  
22 chase decision to award a contract for goods or services,  
23 including system description, functional information, price  
24 and schedule information, information required for instal-  
25 lation, operation, maintenance, and repair, and includes  
26 that level of data necessary to ensure safe use of the prod-



1 uct, but does not include sensitive encryption and source  
2 code data, detailed design data, engineering analysis, or  
3 manufacturing know-how.

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

9 **SEC. 2240. TRANSFER OF CERTAIN NAVAL VESSELS.**

10 (a) AUTHORITY TO TRANSFER BY GRANT.—

11 (1) AUTHORITY.—The President is authorized  
12 to transfer vessels to foreign countries on a grant  
13 basis under section 516 of the Foreign Assistance  
14 Act of 1961 (22 U.S.C. 2321(j)) as follows:

15 (A) The OLIVER HAZARD PERRY class  
16 guided missile frigate USS GEORGE PHILIP  
17 (FFG 12) to the Government of Bahrain.

18 (B) The OLIVER HAZARD PERRY class  
19 guided missile frigate USS SIDES (FFG 14) to  
20 the Government of Portugal.

21 (2) GRANTS NOT COUNTED AGAINST AGGRE-  
22 GATE VALUE OF TRANSFERRED EXCESS DEFENSE  
23 ARTICLES.—The value of a vessel transferred to an-  
24 other country on a grant basis under section 516 of  
25 the Foreign Assistance Act of 1961 (22 U.S.C.

1       2321j) pursuant to authority provided by paragraph  
2       (1) shall not be counted for the purposes of sub-  
3       section (g) of that section in the aggregate value of  
4       excess defense articles transferred to countries under  
5       that section in any fiscal year.

6       (b) COSTS OF TRANSFERS.—Any expense incurred by  
7       the United States in connection with a transfer authorized  
8       to be made on a grant basis under subsection (a) shall  
9       be charged to the recipient (notwithstanding section  
10      516(e)(1) of the Foreign Assistance Act of 1961 (2 U.S.C.  
11      2321j(e)(1))).

12      (c) AUTHORITY TO TRANSFER BY SALE.—The Presi-  
13      dent is authorized to transfer the SPRUANCE class de-  
14      stroyer FLETCHER (DD 992) to the Government of  
15      Chile on a sales basis under section 21 of the Arms Export  
16      Control Act (22 U.S.C. 2761).

17      (d) REPAIR AND REFURBISHMENT IN UNITED  
18      STATES SHIPYARDS.—To the maximum extent prac-  
19      ticable, the President shall require, as a condition of the  
20      transfer of a vessel under this section, that the country  
21      to which the vessel is transferred have such repair or re-  
22      furbishment of the vessel as is needed, before the vessel  
23      joins the naval forces of that country, performed at a ship-  
24      yard located in the United States, including a United  
25      States Navy shipyard.

1 (e) EXPIRATION OF AUTHORITY.—The authority to  
2 transfer a vessel under this section shall expire on the date  
3 at the end of the 2-year period beginning on the date of  
4 the enactment of this Act.

5 **SEC. 2241. MAN-PORTABLE AIR DEFENSE SYSTEMS THREAT**  
6 **REDUCTION.**

7 (a) *FINDINGS.*—Congress makes the following findings:

8 (1) *Man-Portable Air Defense Systems (in this*  
9 *section referred to as “MANPADS”), also known as*  
10 *shoulder-fired missiles, are widely proliferated weap-*  
11 *ons that are relatively cheap, easy to conceal, and*  
12 *available on the black market.*

13 (2) *As many as 700,000 MANPADS have been*  
14 *produced worldwide, thousands of which are in the*  
15 *hands of approximately two dozen terrorist and*  
16 *nonstate groups.*

17 (3) *According to the Department of Homeland*  
18 *Security, since 1978, there have been 35 attempts to*  
19 *shoot down civilian aircraft, resulting in the cata-*  
20 *strophic loss of 24 planes and 640 deaths.*

21 (4) *Al Qaeda is the leading suspect in the No-*  
22 *vember 2002 MANPAD attack against an Israeli air-*  
23 *liner in Kenya and the May 2002 MANPAD attack*  
24 *against United States military aircraft in Saudi*  
25 *Arabia.*

1           **(b) SENSE OF CONGRESS ON MANPAD THREAT RE-**  
2 *DUCTION.—Congress commends multilateral efforts to re-*  
3 *duce the threat of MANPADS, including—*

4           *(1) the action plan adopted during the G–8*  
5 *Summit in Evian, France, in June 2003 to enhance*  
6 *transport security and control of MANPADS by—*

7           *(A) providing assistance and technical ex-*  
8 *pertise for the collection, secure stockpile man-*  
9 *agement, and destruction of surplus MANPADS;*

10           *(B) adopting strict national export controls*  
11 *on MANPADS and their essential components;*

12           *(C) ensuring strong national regulation of*  
13 *the production, transfer, and brokering of*  
14 *MANPADS;*

15           *(D) banning transfers of MANPADS to*  
16 *nonstate end-users and limiting the export of*  
17 *MANPADS to foreign governments and their au-*  
18 *thorized agents;*

19           *(E) exchanging information on countries*  
20 *and entities that do not cooperate in such efforts;*

21           *(F) examining the feasibility of development*  
22 *for new MANPADS of specific technical perform-*  
23 *ance or launch control features that preclude*  
24 *their unauthorized use; and*

1           (G) encouraging action in the International  
2           Civil Aviation Organization Aviation Security  
3           Working Group on MANPADS; and

4           (2) the strengthened guidelines adopted in No-  
5           vember 2003 for export control over MANPADS by  
6           the Wassenaar Arrangement on Export Controls for  
7           Conventional Arms and Dual-Use Goods and Tech-  
8           nologies, which include an agreement to—

9           (A) share information regarding nonstate  
10          entities that are or may be attempting to acquire  
11          MANPADS;

12          (B) dispose of excess stockpiles of  
13          MANPADS, including buying back previously  
14          exported weapons;

15          (C) ensure that storage conditions for  
16          MANPADS are sufficient to provide for the high-  
17          est standards of security and access control; and

18          (D) prevent the potential for diversion or  
19          misuse of MANPADS in the recipient country.

20          (c) *BAN ON TRANSFER TO NONSTATE ENTITIES AND*  
21          *TERRORIST STATES.*—Congress urges the President to in-  
22          struct the United States Representative to the United Na-  
23          tions to pursue a United Nations Security Council resolu-  
24          tion to ban the transfer and sale of MANPADS to nonstate  
25          entities (including terrorist groups or individual terrorists).

1       (d) *REPORTS.*—Not later than 180 days after the date  
 2 of the enactment of this Act, and each year thereafter, the  
 3 Secretary shall submit to the appropriate congressional  
 4 committees a report that describes United States efforts to  
 5 reduce the threat of MANPADS and the progress of the  
 6 United States in obtaining the United Nations Security  
 7 Council resolution described in subsection (c).

8       (e) *AVAILABILITY OF FUNDS.*—Of the amount author-  
 9 ized to be appropriated in section 2125 for Nonprolifera-  
 10 tion, Antiterrorism, Demining, and Related Programs for  
 11 fiscal year 2005, \$10,000,000 is authorized to be available  
 12 for multilateral and bilateral efforts to reduce the threat  
 13 of MANPADS.

14       **TITLE XXIII—RADIOLOGICAL**  
 15       **TERRORISM SECURITY**

16       **SEC. 2301. SHORT TITLE.**

17       This title may be cited as the “Radiological Ter-  
 18 rorism Security Act of 2004”.

19       **SEC. 2302. DEFINITIONS.**

20       In this title:

21           (1) **BYPRODUCT MATERIAL.**—The term “by-  
 22 product material” has the meaning given the term in  
 23 section 11 e. of the Atomic Energy Act of 1954 (42  
 24 U.S.C. 2014(e)).

1           (2) IAEA.—The term “IAEA” means the  
2 International Atomic Energy Agency.

3           (3) RADIOACTIVE MATERIAL.—The term “ra-  
4 dioactive material” means—

5                 (A) source material and special nuclear  
6 material, but does not include natural or de-  
7pleted uranium;

8                 (B) nuclear byproduct material;

9                 (C) material made radioactive by bombard-  
10 ment in an accelerator; and

11                (D) all refined isotopes of radium.

12           (4) SOURCE MATERIAL.—The term “source ma-  
13 terial” has the meaning given the term in section 11  
14 z. of the Atomic Energy Act of 1954 (42 U.S.C.  
15 2014(z)).

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

20 **SEC. 2303. EMBASSY THREAT ASSESSMENT REPORTS.**

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

24                 (1) detailing the preparations made at United  
25 States diplomatic missions abroad to detect and

1 mitigate a radiological attack on United States mis-  
2 sions and other United States facilities under the  
3 control of the Secretary;

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

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

10 (b) BUDGET REQUEST.—Each report under sub-  
11 section (a) shall also include a proposed budget to carry  
12 out the improvements listed in such report pursuant to  
13 subsection (a)(2).

14 (c) TIMING.—

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

18 (2) SUBSEQUENT REPORTS.—Subsequent re-  
19 ports under subsection (a) shall be submitted with  
20 the budget justification materials submitted by the  
21 Secretary to Congress in support of the budget of  
22 the President for the fiscal year (as submitted under  
23 section 1105(a) of title 31, United States Code) for  
24 each fiscal year after fiscal year 2005.



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

3 **SEC. 2304. FOREIGN FIRST RESPONDERS.**

4 (a) IN GENERAL.—The Secretary is authorized to as-  
5 sist foreign countries, or to propose that the IAEA assist  
6 foreign countries, in the development of appropriate na-  
7 tional response plans and the training of first responders  
8 to—

9 (1) detect, identify, and characterize radioactive  
10 material;

11 (2) understand the hazards posed by radioactive  
12 contamination;

13 (3) understand the risks encountered at various  
14 dose rates;

15 (4) enter contaminated areas safely and speed-  
16 ily; and

17 (5) evacuate persons within a contaminated  
18 area.

19 (b) CONSIDERATIONS.—In carrying out activities  
20 under subsection (a), the Secretary shall take into account  
21 the findings of the threat assessment reports required by  
22 section 2303.

23 **SEC. 2305. AVAILABILITY OF FUNDS.**

24 Of the funds appropriated under this Act for Non-  
25 proliferation, Anti-terrorism, Demining, and Related Pro-

1 grams, there is authorized to be appropriated to the Presi-  
2 dent for fiscal year 2005, \$2,000,000 to carry out this  
3 title.

4 **TITLE XXIV—GLOBAL**  
5 **PATHOGEN SURVEILLANCE**

6 **SEC. 2401. SHORT TITLE.**

7 This title may be cited as the “Global Pathogen Sur-  
8 veillance Act of 2004”.

9 **SEC. 2402. FINDINGS; PURPOSE.**

10 (a) FINDINGS.—Congress makes the following find-  
11 ings:

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

19 (2) A contagious pathogen engineered as a bio-  
20 logical weapon and developed, tested, produced, or  
21 released in another country can quickly spread to  
22 the United States. Given the realities of inter-  
23 national travel, trade, and migration patterns, a  
24 dangerous pathogen released anywhere in the world  
25 can spread to United States territory in a matter of

1 days, before any effective quarantine or isolation  
2 measures can be implemented.

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

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

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

24 (6) The capabilities of the World Health Orga-  
25 nization are inherently limited by the quality of the

1 data and information it receives from member coun-  
2 tries, the narrow range of diseases (plague, cholera,  
3 and yellow fever) upon which its disease surveillance  
4 and monitoring is based, and the consensus process  
5 it uses to add new diseases to the list. Developing  
6 countries in particular often cannot devote the nec-  
7 essary resources to build and maintain public health  
8 infrastructures.

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

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

14 (B) appropriate laboratory equipment for  
15 diagnosis of pathogens;

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

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

24 (E) appropriate communications equip-  
25 ment and information technology to efficiently

1 transmit information and data within national  
2 and regional health networks, including inex-  
3 pensive, Internet-based Geographic Information  
4 Systems (GIS) and relevant telephone-based  
5 systems for early recognition and diagnosis of  
6 diseases.

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

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

20 (1) To enhance the capability and cooperation  
21 of the international community, including the World  
22 Health Organization and individual countries,  
23 through enhanced pathogen surveillance and appro-  
24 priate data sharing, to detect, identify, and contain  
25 infectious disease outbreaks, whether the cause of

1 those outbreaks is intentional human action or nat-  
2 ural in origin.

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

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

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

24 (5) To make available greater numbers of  
25 United States Government public health profes-

1 sionals to international health organizations, re-  
2 gional health networks, and United States diplo-  
3 matic missions where appropriate.

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

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

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

15 **SEC. 2403. DEFINITIONS.**

16 In this title:

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

1           (2) ELIGIBLE DEVELOPING COUNTRY.—The  
2 term “eligible developing country” means any devel-  
3 oping country that—

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

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

20           (C) is a state party to the Biological  
21 Weapons Convention; *and*

22           (D) *is determined by the United States Gov-*  
23 *ernment not to have an offensive biological weap-*  
24 *ons program.*



1           (3) ELIGIBLE NATIONAL.—The term “eligible  
2 national” means any citizen or national of an eligible  
3 developing country ~~who is eligible to receive a visa~~  
4 ~~under the provisions of the Immigration and Nation-~~  
5 ~~ality Act of (8 U.S.C. 1101 et seq.):~~ *who—*

6                   *(A) is eligible to receive a visa under the*  
7                   *provisions of the Immigration and Nationality*  
8                   *Act (8 U.S.C. 1101 et seq.); and*

9                   *(B) is not currently or previously affiliated*  
10                   *with or employed by a laboratory or entity de-*  
11                   *termined by the United States Government to be*  
12                   *involved in offensive biological weapons activi-*  
13                   *ties.*

14           (4) INTERNATIONAL HEALTH ORGANIZATION.—  
15 The term “international health organization” in-  
16 cludes the World Health Organization and the Pan  
17 American Health Organization.

18           (5) LABORATORY.—The term “laboratory”  
19 means a facility for the biological, microbiological,  
20 serological, chemical, immuno-hematological,  
21 hematological, biophysical, cytological, pathological,  
22 or other examination of materials derived from the  
23 human body for the purpose of providing informa-  
24 tion for the diagnosis, prevention, or treatment of

1 any disease or impairment of, or the assessment of  
2 the health of, human beings.

3 (6) SELECT AGENT.—The term “select agent”  
4 has the meaning given such term for purposes of  
5 section 72.6 of title 42, Code of Federal Regula-  
6 tions.

7 (7) SYNDROME SURVEILLANCE.—The term  
8 “syndrome surveillance” means the recording of  
9 symptoms (patient complaints) and signs (derived  
10 from physical examination) combined with simple ge-  
11 ographic locators to track the emergence of a disease  
12 in a population.

13 **SEC. 2404. PRIORITY FOR CERTAIN COUNTRIES.**

14 Priority in the provision of United States assistance  
15 for eligible developing countries under all the provisions  
16 of this title shall be given to those countries that permit  
17 personnel from the World Health Organization and the  
18 Centers for Disease Control and Prevention to investigate  
19 outbreaks of infectious diseases on their territories, pro-  
20 vide early notification of disease outbreaks, and provide  
21 pathogen surveillance data to appropriate United States  
22 departments and agencies in addition to international  
23 health organizations.

1 **SEC. 2405. RESTRICTION.**

2 Notwithstanding any other provision of this title, no  
3 foreign nationals participating in programs authorized  
4 under this title shall have access, during the course of such  
5 participation, to select agents that may be used as, or in,  
6 a biological weapon, except in a supervised and controlled  
7 setting.

8 **SEC. 2406. FELLOWSHIP PROGRAM.**

9 (a) **ESTABLISHMENT.**—There is established a fellow-  
10 ship program (in this section referred to as the “pro-  
11 gram”) under which the Secretary, in consultation with  
12 the Secretary of Health and Human Services and subject  
13 to the availability of appropriations, shall award fellow-  
14 ships to eligible nationals to pursue public health edu-  
15 cation or training, as follows:

16 (1) **MASTER OF PUBLIC HEALTH DEGREE.**—  
17 Graduate courses of study leading to a master of  
18 public health degree with a concentration in epidemi-  
19 ology from an institution of higher education in the  
20 United States with a Center for Public Health Pre-  
21 paredness, as determined by the Centers for Disease  
22 Control and Prevention.

23 (2) **ADVANCED PUBLIC HEALTH EPIDEMIOLOGY**  
24 **TRAINING.**—Advanced public health training in epi-  
25 demiology to be carried out at the Centers for Dis-  
26 ease Control and Prevention (or equivalent State fa-

1 cility), or other Federal facility (excluding the De-  
2 partment of Defense or United States National Lab-  
3 oratories), for a period of not less than 6 months or  
4 more than 12 months.

5 (b) SPECIALIZATION IN BIOTERRORISM.—In addition  
6 to the education or training specified in subsection (a),  
7 each recipient of a fellowship under this section (in this  
8 section referred to as a “fellow”) may take courses of  
9 study at the Centers for Disease Control and Prevention  
10 or at an equivalent facility on diagnosis and containment  
11 of likely bioterrorism agents.

12 (c) FELLOWSHIP AGREEMENT.—

13 (1) IN GENERAL.—In awarding a fellowship  
14 under the program, the Secretary, in consultation  
15 with the Secretary of Health and Human Services,  
16 shall require the recipient to enter into an agree-  
17 ment under which, in exchange for such assistance,  
18 the recipient—

19 (A) will maintain satisfactory academic  
20 progress (as determined in accordance with reg-  
21 ulations issued by the Secretary and confirmed  
22 in regularly scheduled updates to the Secretary  
23 from the institution providing the education or  
24 training on the progress of the recipient’s edu-  
25 cation or training);

1           (B) will, upon completion of such edu-  
2           cation or training, return to the recipient's  
3           country of nationality or last habitual residence  
4           (so long as it is an eligible developing country)  
5           and complete at least four years of employment  
6           in a public health position in the government or  
7           a nongovernmental, not-for-profit entity in that  
8           country or, with the approval of the Secretary,  
9           complete part or all of this requirement through  
10          service with an international health organiza-  
11          tion without geographic restriction; and

12           (C) agrees that, if the recipient is unable  
13          to meet the requirements described in subpara-  
14          graph (A) or (B), the recipient will reimburse  
15          the United States for the value of the assist-  
16          ance provided to the recipient under the fellow-  
17          ship, together with interest at a rate deter-  
18          mined in accordance with regulations issued by  
19          the Secretary but not higher than the rate gen-  
20          erally applied in connection with other Federal  
21          loans.

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

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

5 (1) to establish a procedure for the nomination  
6 of eligible nationals for fellowships under this sec-  
7 tion;

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

11 (3) to certify to the Secretary when a fellow has  
12 concluded the minimum period of employment in a  
13 public health position required by the fellowship  
14 agreement, with an explanation of how the require-  
15 ment was met.

16 (e) PARTICIPATION OF UNITED STATES CITIZENS.—  
17 On a case-by-case basis, the Secretary may provide for the  
18 participation of United States citizens under the provi-  
19 sions of this section if the Secretary determines that it  
20 is in the national interest of the United States to do so.  
21 Upon completion of such education or training, a United  
22 States recipient shall complete at least 5 years of employ-  
23 ment in a public health position in an eligible developing  
24 country or an international health organization.

1 **SEC. 2407. IN-COUNTRY TRAINING IN LABORATORY TECH-**  
2 **NIQUES AND SYNDROME SURVEILLANCE.**

3 (a) IN GENERAL.—In conjunction with the Centers  
4 for Disease Control and Prevention and the Department  
5 of Defense, the Secretary shall, subject to the availability  
6 of appropriations, support short training courses in-coun-  
7 try (not in the United States) for laboratory technicians  
8 and other public health personnel from eligible developing  
9 countries in laboratory techniques relating to the identi-  
10 fication, diagnosis, and tracking of pathogens responsible  
11 for possible infectious disease outbreaks. Training under  
12 this section may be conducted in overseas facilities of the  
13 Centers for Disease Control and Prevention or in Overseas  
14 Medical Research Units of the Department of Defense, as  
15 appropriate. The Secretary shall coordinate such training  
16 courses, where appropriate, with the existing programs  
17 and activities of the World Health Organization.

18 (b) TRAINING IN SYNDROME SURVEILLANCE.—In  
19 conjunction with the Centers for Disease Control and Pre-  
20 vention and the Department of Defense, the Secretary  
21 shall, subject to the availability of appropriations, estab-  
22 lish and support short training courses in-country (not in  
23 the United States) for public health personnel from eligi-  
24 ble developing countries in techniques of syndrome surveil-  
25 lance reporting and rapid analysis of syndrome informa-  
26 tion using Geographic Information System (GIS) and

1 other Internet-based tools. Training under this subsection  
2 may be conducted via the Internet or in appropriate facili-  
3 ties as determined by the Secretary. The Secretary shall  
4 coordinate such training courses, where appropriate, with  
5 the existing programs and activities of the World Health  
6 Organization.

7 **SEC. 2408. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.**

10 (a) **AUTHORIZATION.**—The President is authorized,  
11 on such terms and conditions as the President may deter-  
12 mine, to furnish assistance to eligible developing countries  
13 to purchase and maintain public health laboratory equip-  
14 ment described in subsection (b).

15 (b) **EQUIPMENT COVERED.**—Equipment described in  
16 this subsection is equipment that is—

17 (1) appropriate, where possible, for use in the  
18 intended geographic area;

19 (2) necessary to collect, analyze, and identify  
20 expeditiously a broad array of pathogens, including  
21 mutant strains, which may cause disease outbreaks  
22 or may be used as a biological weapon;

23 (3) compatible with general standards set forth,  
24 as appropriate, by the World Health Organization  
25 and the Centers for Disease Control and Prevention,



1 to ensure interoperability with regional and inter-  
2 national public health networks; ~~and~~

3 *(4) necessary to secure and monitor pathogen*  
4 *collections containing select agents; and*

5 ~~(4)~~ (5) not defense articles or defense services  
6 as those terms are defined under section 47 of the  
7 Arms Export Control Act (22 U.S.C. 2794).

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion shall be construed to exempt the exporting of goods  
10 and technology from compliance with applicable provisions  
11 of the Export Administration Act of 1979 (50 U.S.C. App.  
12 2401 et seq.) (or successor statutes).

13 (d) LIMITATION.—Amounts appropriated to carry  
14 out this section shall not be made available for the pur-  
15 chase from a foreign country of equipment that, if made  
16 in the United States, would be subject to the Arms Export  
17 Control Act (22 U.S.C. 2751 et seq.) or likely be barred  
18 or subject to special conditions under the Export Adminis-  
19 tration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or  
20 successor statutes).

21 (e) HOST COUNTRY'S COMMITMENTS.—The assist-  
22 ance provided under this section shall be contingent upon  
23 the host country's commitment to provide the resources,  
24 infrastructure, and other assets required to house, main-

1 tain, support, secure, *monitor*, and maximize use of this  
2 equipment and appropriate technical personnel.

3 **SEC. 2409. ASSISTANCE FOR IMPROVED COMMUNICATION**  
4 **OF PUBLIC HEALTH INFORMATION.**

5 (a) ASSISTANCE FOR PURCHASE OF COMMUNICATION  
6 EQUIPMENT AND INFORMATION TECHNOLOGY.—The  
7 President is authorized to provide, on such terms and con-  
8 ditions as the President may determine, assistance to eligi-  
9 ble developing countries for the purchase and maintenance  
10 of communications equipment and information technology  
11 described in subsection (b), and supporting equipment,  
12 necessary to effectively collect, analyze, and transmit pub-  
13 lic health information.

14 (b) COVERED EQUIPMENT.—Equipment (and infor-  
15 mation technology) described in this subsection is equip-  
16 ment that—

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

19 (2) meets appropriate World Health Organiza-  
20 tion standards to ensure interoperability with like  
21 equipment of other countries and international  
22 health organizations; and

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

1       (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to exempt the exporting of goods  
3 and technology from compliance with applicable provisions  
4 of the Export Administration Act of 1979 (50 U.S.C. App.  
5 2401 et seq.) (or successor statutes).

6       (d) LIMITATION.—Amounts appropriated to carry  
7 out this section shall not be made available for the pur-  
8 chase from a foreign country of equipment that, if made  
9 in the United States, would be subject to the Arms Export  
10 Control Act (22 U.S.C. 2751 et seq.) or likely be barred  
11 or subject to special conditions under the Export Adminis-  
12 tration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or  
13 successor statutes).

14       (e) ASSISTANCE FOR STANDARDIZATION OF REPORT-  
15 ING.—The President is authorized to provide, on such  
16 terms and conditions as the President may determine,  
17 technical assistance and grant assistance to international  
18 health organizations to facilitate standardization in the re-  
19 porting of public health information between and among  
20 developing countries and international health organiza-  
21 tions.

22       (f) HOST COUNTRY'S COMMITMENTS.—The assist-  
23 ance provided under this section shall be contingent upon  
24 the host country's commitment to provide the resources,  
25 infrastructure, and other assets required to house, sup-

1 port, maintain, secure, and maximize use of this equip-  
2 ment and appropriate technical personnel.

3 **SEC. 2410. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL**  
4 **TO UNITED STATES MISSIONS AND INTER-**  
5 **NATIONAL ORGANIZATIONS.**

6 (a) IN GENERAL.—Upon the request of a United  
7 States chief of diplomatic mission or an international  
8 health organization, and with the concurrence of the Sec-  
9 retary, the head of a Federal agency may assign to the  
10 respective United States mission or organization any offi-  
11 cer or employee of the agency occupying a public health  
12 position within the agency for the purpose of enhancing  
13 disease and pathogen surveillance efforts in developing  
14 countries.

15 (b) REIMBURSEMENT.—The costs incurred by a Fed-  
16 eral agency by reason of the detail of personnel under sub-  
17 section (a) may be reimbursed to that agency out of the  
18 applicable appropriations account of the Department if the  
19 Secretary determines that the relevant agency may other-  
20 wise be unable to assign such personnel on a non-reim-  
21 bursable basis.

1 **SEC. 2411. EXPANSION OF CERTAIN UNITED STATES GOV-**  
2 **ERNMENT LABORATORIES ABROAD.**

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

6 (1) increase the number of personnel assigned  
7 to laboratories of the Centers or the Department, as  
8 appropriate, located in eligible developing countries  
9 that conduct research and other activities with re-  
10 spect to infectious diseases; and

11 (2) expand the operations of those laboratories,  
12 especially with respect to the implementation of on-  
13 site training of foreign nationals and regional out-  
14 reach efforts involving neighboring countries.

15 (b) COOPERATION AND COORDINATION BETWEEN  
16 LABORATORIES.—Subsection (a) shall be carried out in  
17 such a manner as to foster cooperation and avoid dupli-  
18 cation between and among laboratories.

19 (c) RELATION TO CORE MISSIONS AND SECURITY.—  
20 The expansion of the operations of overseas laboratories  
21 of the Centers or the Department under this section shall  
22 not—

23 (1) detract from the established core missions  
24 of the laboratories; or

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

4 **SEC. 2412. ASSISTANCE FOR REGIONAL HEALTH NETWORKS**  
5                           **AND EXPANSION OF FOREIGN EPIDEMI-**  
6                           **LOGY TRAINING PROGRAMS.**

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

10           (1) enhancing the surveillance and reporting ca-  
11           pabilities of the World Health Organization and ex-  
12           isting regional health networks; and

13           (2) developing new regional health networks.

14           (b) **EXPANSION OF FOREIGN EPIDEMIOLOGY TRAIN-**  
15 **ING PROGRAMS.**—The Secretary of Health and Human  
16 Services is authorized to establish new country or regional  
17 Foreign Epidemiology Training Programs in eligible devel-  
18 oping countries.

19 **SEC. 2413. AUTHORIZATION OF APPROPRIATIONS.**

20           (a) **AUTHORIZATION OF APPROPRIATIONS.**—

21           (1) **IN GENERAL.**—Of the amounts authorized  
22 to be appropriated under this division for Non-  
23 proliferation, Anti-terrorism, Demining, and Related  
24 Programs, there is authorized to be appropriated

1       \$35,000,000 for the fiscal year 2005 to carry out  
2       this title.

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

5           (A) \$25,000,000 for the fiscal year 2005 is  
6       authorized to be available to carry out sections  
7       2406, 2407, 2408, and 2409;

8           (B) \$500,000 for the fiscal year 2005 is  
9       authorized to be available to carry out section  
10       2410;

11          (C) \$2,500,000 for the fiscal year 2005 is  
12       authorized to be available to carry out section  
13       2411; and

14          (D) \$7,000,000 for the fiscal year 2005 is  
15       authorized to be available to carry out section  
16       2412.

17       (b) AVAILABILITY OF FUNDS.—The amount appro-  
18       priated pursuant to subsection (a) is authorized to remain  
19       available until expended.

20       (c) REPORTING REQUIREMENT.—Not later than ~~90~~  
21       ~~days~~ *120 days* after the date of enactment of this title,  
22       the Secretary shall submit a report, in conjunction with  
23       the Secretary of Health and Human Services and the Sec-  
24       retary of Defense, containing—

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

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

5 **TITLE XXV—REPORTING RE-**  
6 **QUIREMENTS AND OTHER**  
7 **MATTERS**

8 **Subtitle A—Elimination and Modi-**  
9 **fication of Certain Reporting**  
10 **Requirements**

11 **SEC. 2501. ANNUAL REPORT ON TERRITORIAL INTEGRITY.**

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

16 **SEC. 2502. ANNUAL REPORTS ON ACTIVITIES IN COLOMBIA.**

17 Section 694 of the Foreign Relations Authorization  
18 Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat.  
19 1415; 22 U.S.C. 2291 note) is amended by adding at the  
20 end the following:

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



1 **SEC. 2503. ANNUAL REPORT ON FOREIGN MILITARY TRAIN-**  
2 **ING.**

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

6 **SEC. 2504. REPORT ON HUMAN RIGHTS IN HAITI.**

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

11 (1) in paragraph (2), by striking “not later  
12 than 3 months after the date of enactment of this  
13 Act” and inserting “as part of the annual report  
14 submitted under paragraph (4) of this subsection”;  
15 and

16 (2) in paragraph (3), by inserting “, as part of  
17 the annual report submitted under paragraph (4) of  
18 this subsection,” after “the appropriate congress-  
19 sional committees”.

20 **Subtitle B—Other Matters**

21 **SEC. 2511. CERTAIN CLAIMS FOR EXPROPRIATION BY THE**  
22 **GOVERNMENT OF NICARAGUA.**

23 Section 527 of the Foreign Relations Authorization  
24 Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a) is  
25 amended by adding at the end the following new sub-  
26 section:

1       “(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE  
2 GOVERNMENT OF NICARAGUA.—

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

11               “(2) ACTIONS PRESENTED.—An action shall be  
12 deemed presented for purposes of paragraph (1) if,  
13 not later than 120 days after the date prescribed  
14 under paragraph (3), a written description of the ac-  
15 tion is—

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

18                       “(B) received by the Department of State  
19 at—

20                               “(i) the headquarters of the Depart-  
21 ment of State in Washington, District of  
22 Columbia; or

23                               “(ii) the Embassy of the United  
24 States of America to Nicaragua.

1           “(3) TIME FOR PRESENTATION.—The Secretary  
2 of State shall prescribe the date on which the pres-  
3 entation deadline is based for the purposes of para-  
4 graph (2) and shall publish a notice of such date in  
5 the Federal Register. The prescribed date may be  
6 any date selected by the Secretary in the Secretary’s  
7 sole discretion, except that such date may not be the  
8 date on which this subsection takes effect or any  
9 date before such effective date.”.

10 **SEC. 2512. AMENDMENTS TO THE ARMS CONTROL AND DIS-**  
11 **ARMAMENT ACT.**

12           (a) VERIFICATION OF COMPLIANCE.—Section 306(a)  
13 of the Arms Control and Disarmament Act (22 U.S.C.  
14 2577(a)) is amended by inserting “or other formal com-  
15 mitment” after “agreement” each place it appears in  
16 paragraphs (1) and (2).

17           (b) ANNUAL REPORTS TO CONGRESS.—

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

21           “SEC. 403. (a) REPORT ON OBJECTIVES AND NEGO-  
22 TIATIONS.—Not later than April 15 of each year, the  
23 President shall submit to the Speaker of the House of  
24 Representatives and to the Chairman of the Committee  
25 on Foreign Relations of the Senate a report prepared by

1 the Secretary of State in consultation with the Secretary  
2 of Defense, the Secretary of Energy, the Director of Cen-  
3 tral Intelligence, and the Chairman of the Joint Chiefs  
4 of Staff on the status of United States policy and actions  
5 with respect to arms control, nonproliferation, and disar-  
6 mament. Such report shall include—

7           “(1) a detailed statement concerning the arms  
8           control, nonproliferation, and disarmament objec-  
9           tives of the executive branch of Government for the  
10          forthcoming year; and

11          “(2) a detailed assessment of the status of any  
12          ongoing arms control, nonproliferation, or disar-  
13          mament negotiations, including a comprehensive de-  
14          scription of negotiations or other activities during  
15          the preceding year and an appraisal of the status  
16          and prospects for the forthcoming year.

17          “(b) REPORT ON COMPLIANCE.—Not later than April  
18 15 of each year, the President shall submit to the Speaker  
19 of the House of Representatives and to the Chairman of  
20 the Committee on Foreign Relations of the Senate a re-  
21 port prepared by the Secretary of State with the concur-  
22 rence of the Director of Central Intelligence and in con-  
23 sultation with the Secretary of Defense, the Secretary of  
24 Energy, and the Chairman of the Joint Chiefs of Staff  
25 on the status of United States policy and actions with re-

1 spect to arms control, nonproliferation, and disarmament  
2 compliance. Such report shall include—

3           “(1) a detailed assessment of adherence of the  
4           United States to obligations undertaken in arms  
5           control, nonproliferation, and disarmament agree-  
6           ments, including information on the policies and or-  
7           ganization of each relevant agency or department of  
8           the United States to ensure adherence to such obli-  
9           gations, a description of national security programs  
10          with a direct bearing on questions of adherence to  
11          such obligations and of steps being taken to ensure  
12          adherence, and a compilation of any substantive  
13          questions raised during the preceding year and any  
14          corrective action taken;

15          “(2) a detailed assessment of the adherence of  
16          other nations to obligations undertaken in all arms  
17          control, nonproliferation, and disarmament agree-  
18          ments or commitments, including the Missile Tech-  
19          nology Control Regime, to which the United States  
20          is a participating state, including information on ac-  
21          tions taken by each nation with regard to the size,  
22          structure, and disposition of its military forces in  
23          order to comply with arms control, nonproliferation,  
24          or disarmament agreements or commitments, and

1 shall include, in the case of each agreement or com-  
2 mitment about which compliance questions exist—

3 “(A) a description of each significant issue  
4 raised and efforts made and contemplated with  
5 the other participating state to seek resolution  
6 of the difficulty;

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

9 “(C) recommendations as to any steps that  
10 should be considered to redress any damage to  
11 United States national security and to reduce  
12 compliance problems; and

13 “(D) for states that are not parties to such  
14 agreements or commitments, a description of  
15 activities of concern carried out by such states  
16 and efforts underway to bring such states into  
17 adherence with such agreements or commit-  
18 ments;

19 “(3) a discussion of any material noncompliance  
20 by foreign governments with their binding commit-  
21 ments to the United States with respect to the pre-  
22 vention of the spread of nuclear explosive devices (as  
23 defined in section 830(4) of the Nuclear Prolifera-  
24 tion Prevention Act of 1994 (22 U.S.C. 6305(4)) by  
25 non-nuclear-weapon states (as defined in section

1 830(5) of that Act (22 U.S.C. 6305(5)) or the ac-  
2 quisition by such states of unsafeguarded special nu-  
3 clear material (as defined in section 830(8) of that  
4 Act (22 U.S.C. 6305(8)), including—

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

7 “(B) a statement of the compliance policy  
8 of the United States with respect to violations  
9 of those commitments; and

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

14 “(4) a specific identification, to the maximum  
15 extent practicable in unclassified form, of each and  
16 every question that exists with respect to compliance  
17 by other countries with arms control, nonprolifera-  
18 tion, and disarmament agreements and other formal  
19 commitments with the United States.

20 “(c) CHEMICAL WEAPONS CONVENTION COMPLI-  
21 ANCE REPORT REQUIREMENT SATISFIED.—The report  
22 submitted pursuant to subsection (b) shall include the in-  
23 formation necessary to satisfy condition 10(C) of the reso-  
24 lution of advice and consent to the Convention on the Pro-  
25 hibition of Development, Production, Stockpiling and Use

1 of Chemical Weapons and on Their Destruction, with an-  
2 nexes, done at Paris, January 13, 1993, and entered into  
3 force April 29, 1997 (T. Doc. 103–21), approved by the  
4 Senate on April 24, 1997.

5 “(d) CLASSIFICATION OF REPORT.—The reports re-  
6 quired by this section shall be submitted in unclassified  
7 form, with classified annexes, as appropriate. The report  
8 portions described in paragraphs (2) and (3) of subsection  
9 (b) shall summarize in detail, at least in classified an-  
10 nexes, the information, analysis, and conclusions relevant  
11 to possible noncompliance by other nations that are pro-  
12 vided by United States intelligence agencies.

13 “(e) REPORTING CONSECUTIVE NONCOMPLIANCE.—  
14 If the President in consecutive reports submitted to the  
15 Congress under subsection (b) reports that any nation is  
16 not in full compliance with its binding nonproliferation  
17 commitments to the United States, then the President  
18 shall include in the second such report an assessment of  
19 what actions are necessary to compensate for such viola-  
20 tions.

21 “(f) ADDITIONAL REQUIREMENT.—Each report re-  
22 quired by subsection (b) shall include a discussion of each  
23 significant issue described in subsection (b)(4) that was  
24 contained in a previous report issued under this section  
25 during 1995, or after December 31, 1995, until the ques-



1 tion or concern has been resolved and such resolution has  
2 been reported in detail to the Committee on Foreign Rela-  
3 tions and the Select Committee on Intelligence of the Sen-  
4 ate and the Committee on International Relations and the  
5 Permanent Select Committee on Intelligence of the House  
6 of Representatives.”.

7 (2) CONFORMING AMENDMENT.—The heading  
8 of such section is amended to read as follows:

9 “ANNUAL REPORTS TO CONGRESS”.

10 **SEC. 2513. SUPPORT FOR SIERRA LEONE.**

11 (a) FINDINGS.—Congress makes the following find-  
12 ings:

13 (1) As of January 1, 2004, the United States  
14 had provided a total of \$634,000,000 to the United  
15 Nations Mission in Sierra Leone and to Operation  
16 Focus Relief for the purpose of bringing peace and  
17 stability to Sierra Leone.

18 (2) In fiscal year 2004, Congress appropriated  
19 \$68,733,000 to support the United Nations Mission  
20 in Sierra Leone, and the President has requested  
21 \$33,011,000 for fiscal year 2005 to support such  
22 Mission.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that the considerable United States investment in  
25 stability in Sierra Leone should be secured through appro-

1 priate support for activities aimed at enhancing Sierra  
 2 Leone's long-term prospect for peaceful development.

3       (c) ~~AVAILABILITY OF FUNDS.~~—Of the amounts made  
 4 available under chapter ~~1~~ of part I of the Foreign Assist-  
 5 ance Act of 1961 (22 U.S.C. 2151 et seq.) or chapter 4  
 6 of part II of such Act (22 U.S.C. 2346 et seq.), up to  
 7 \$12,000,000 may be made available in fiscal year 2005  
 8 to support programs for Sierra Leone—

9           (1) to increase access to primary and secondary  
 10 education in rural areas;

11           (2) designed to alleviate poverty; and

12           (3) to eliminate government corruption.

13 **SEC. ~~2514.~~ 2513. SUPPORT FOR INDEPENDENT MEDIA IN**  
 14 **ETHIOPIA.**

15       Of the amounts made available under chapter 1 of  
 16 part I of the Foreign Assistance Act of 1961 (22 U.S.C.  
 17 2151 et seq.), such sums as are necessary may be made  
 18 available in fiscal year 2005 to support independent media  
 19 in Ethiopia, including providing support to—

20           (1) strengthen the capacity of journalists; and

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

23 **SEC. ~~2515.~~ SUPPORT FOR SOMALIA.**

24       (a) ~~SENSE OF CONGRESS.~~—It is the sense of Con-  
 25 gress that—

1 (1) the United States should work—

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

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

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

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

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

14 (b) REPORT.—

15 (1) REQUIREMENT.—Not later than 6 months  
16 after the date of enactment of this Act, the Sec-  
17 retary shall report to the Committee on Foreign Re-  
18 lations of the Senate and the Committee on Inter-  
19 national Relations of the House of Representatives  
20 on the strategy for engaging with pockets of com-  
21 petence within the borders of Somalia to both  
22 strengthen local capacity and to establish incentives  
23 for other communities to seek stability.

24 (2) CONTENT.—The report shall—

1           (A) outline a multi-year strategy for in-  
2           creasing—

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

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

12          (iii) support initiatives to rehabilitate  
13          Somalia's livestock export sector; and

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

18 **SEC. 2516. 2514. SUPPORT FOR CENTRAL AFRICAN STATES.**

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

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

1           (2) The Department’s 2002 Country Report on  
2 Human Rights Practices in Burundi states that,  
3 “impunity for those who committed serious human  
4 rights violations, and the continuing lack of account-  
5 ability for those who committed past abuses, re-  
6 mained key factors in the country’s continuing insta-  
7 bility.”

8           (3) The Department’s 2002 Country Report on  
9 Human Rights Practices in the Democratic Republic  
10 of the Congo states that, “the judiciary continued to  
11 be underfunded, inefficient, and corrupt. It largely  
12 was ineffective as a deterrent to human rights  
13 abuses or as a corrective force.”

14           (4) The Department’s 2002 Country Report on  
15 Human Rights Practices in Rwanda states that  
16 “there were credible reports that Rwandan Defense  
17 Force units operating in the [Democratic Republic  
18 of the Congo] committed deliberate unlawful killings  
19 and other serious abuses, and impunity remained a  
20 problem,” and that “the Government continued to  
21 conduct genocide trials at a slow pace.”

22           (5) The Department’s 2002 Country Report on  
23 Human Rights Practices in Uganda states that “se-  
24 curity forces used excessive force, at times resulting  
25 in death, and committed or failed to prevent

1 extrajudicial killings of suspected rebels and civil-  
2 ians. The Government enacted measures to improve  
3 the discipline and training of security forces and  
4 punished some security force officials who were  
5 guilty of abuses; however, abuses by the security  
6 forces remained a problem.”

7 (6) Ongoing human rights abuses in the Demo-  
8 cratic Republic of the Congo, including ethnically-  
9 based conflict, threaten the integrity and viability of  
10 the Congolese peace process.

11 (b) STATEMENT OF POLICY.—It is the policy of the  
12 United States Government to support—

13 (1) efforts aimed at accounting for the grave  
14 human rights abuses and crimes against humanity  
15 that have taken place throughout the central African  
16 region since 1993;

17 (2) programs to encourage reconciliation in  
18 communities affected by such crimes; and

19 (3) efforts aimed at preventing such crimes in  
20 the future.

21 (c) REPORT.—Not later than 180 days after the date  
22 of enactment of this Act, the Secretary shall submit to  
23 the appropriate congressional committees a report on the  
24 actions taken by the United States Government to imple-  
25 ment 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 2005 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 **SEC. 2515. SUPPORT FOR HAITI.**

11 *Of the amounts appropriated for fiscal year 2005 pur-*  
 12 *suant to the authorizations of appropriations in sections*  
 13 *2101(a), 2102, 2107, and 2126(a) and pursuant to the*  
 14 *amendments made by sections 2108, 2121(a), 2122(a),*  
 15 *2123, and 2124, not less than \$150,000,000 should be made*  
 16 *available to provide assistance to Haiti.*

17 **SEC. ~~2517.~~ 2516. AFRICAN CONTINGENCY OPERATIONS**  
 18 **TRAINING AND ASSISTANCE PROGRAM.**

19 (a) AVAILABILITY OF FUNDS.—Of the amounts made  
 20 available under chapter 6 of part II of the Foreign Assist-  
 21 ance Act of 1961 (22 U.S.C 2348 et seq.), \$15,000,000  
 22 may be made available in fiscal year 2005 to support the  
 23 African Contingency Operations Training and Assistance  
 24 ~~program~~ *Program* (in this section referred to as

1 “ACOTA”) to enhance the capacity of African militaries  
2 to participate in peace support operations.

3 (b) ELIGIBILITY FOR PARTICIPATION.—

4 (1) CRITERIA.—Countries receiving ACOTA  
5 support shall be selected on the basis of—

6 (A) the country’s willingness to participate  
7 in peace support operations;

8 (B) the country’s military capability;

9 (C) the country’s democratic governance;

10 (D) the nature of the relations between the  
11 civil and military authorities within the country;

12 (E) the human rights record of the coun-  
13 try, with particular attention paid to the record  
14 of the military; and

15 (F) the relations between the country and  
16 its neighboring states.

17 (2) ELIGIBILITY REVIEW.—The eligibility sta-  
18 tus of participating countries shall be reviewed at  
19 least annually.

20 (c) SENSE OF CONGRESS ON LOCAL CONSULTA-  
21 TIONS.—It is the sense of Congress that the Department  
22 should—

23 (1) provide information about the nature and  
24 purpose of ACOTA training to nationals of a coun-  
25 try participating in ACOTA, including parliamentar-



1       ians and nongovernmental humanitarian and human  
2       rights organizations; and

3               (2) to the extent possible, provide such informa-  
4       tion prior to the beginning of ACOTA training ac-  
5       tivities in such country.

6       (d) SENSE OF CONGRESS ON MONITORING.—It is the  
7       sense of Congress that—

8               (1) the Department and other relevant depart-  
9       ments and agencies should monitor the performance  
10      and conduct of military units that receive ACOTA  
11      training or support; and

12              (2) the Department should provide to the ap-  
13      propriate congressional committees an annual report  
14      on the information gained through such monitoring.

15 **SEC. ~~2518.~~ 2517. CONDITION ON THE PROVISION OF CER-**  
16 **TAIN FUNDS TO INDONESIA.**

17       (a) CONDITION ON ASSISTANCE.—Subject to sub-  
18      section (c), no funds made available under section 23 of  
19      the Arms Export Control Act (22 U.S.C. 2763) or chapter  
20      5 of part II of the Foreign Assistance Act of 1961 (22  
21      U.S.C. 2347 et seq.) in fiscal year 2005, other than funds  
22      made available for expanded military education and train-  
23      ing under such chapter, may be available for a program  
24      that involves the Government of Indonesia or the Indo-

1 nesian Armed Forces until the President makes the certifi-  
2 cation described in subsection (b).

3 (b) CERTIFICATION.—The certification referred to in  
4 subsection (a) is a certification submitted by the President  
5 to the appropriate congressional committees that the Gov-  
6 ernment of Indonesia and the Indonesian Armed Forces  
7 are taking effective measures, including cooperating with  
8 the Director of the Federal Bureau of Investigation—

9 (1) to conduct a full investigation of the attack  
10 on United States citizens in West Papua, Indonesia  
11 on August 31, 2002; and

12 (2) to criminally prosecute the individuals re-  
13 sponsible for such attack.

14 (c) LIMITATION.—Nothing in this section shall pro-  
15 hibit the United States Government from continuing to  
16 conduct programs or training with the Indonesian Armed  
17 Forces, including counter-terrorism training, officer visits,  
18 port visits, or educational exchanges that are being con-  
19 ducted on the date of the enactment of this Act.

20 **SEC. ~~2519.~~ 2518. ASSISTANCE TO COMBAT HIV/AIDS IN CER-**  
21 **TAIN COUNTRIES OF THE CARIBBEAN RE-**  
22 **GION.**

23 Section 1(f)(2)(B)(ii)(VII) of the State Department  
24 Basic Authorities Act of 1956 (22 U.S.C.  
25 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after

1 “Zambia,” the following: “Antigua and Barbuda, the Ba-  
2 hamas, Barbados, Belize, Dominica, Grenada, Jamaica,  
3 Montserrat, Saint Kitts and Nevis, Saint Vincent and the  
4 Grenadines, Saint Lucia, Suriname, Trinidad and Tobago,  
5 Dominican Republic,”.

6 **SEC. 2519. ASSISTANCE TO COMBAT HIV/AIDS IN INDIA.**

7 *Section 1(f)(2)(B)(ii)(VII) of the State Department*  
8 *Basic Authorities Act of 1956 (22 U.S.C.*  
9 *2651a(f)(2)(B)(ii)(VII)), as amended by section 2518, is*  
10 *further amended by inserting “India,” after “Haiti,”.*

11 **SEC. 2520. SENSE OF CONGRESS ON IRAQ DEBT.**

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

13 *(1) Iraq has an estimated \$120,000,000,000 in*  
14 *foreign debt and billions of dollars in pending repara-*  
15 *tion claims through the United Nations Compensation*  
16 *Commission.*

17 *(2) In October 2003, The International Donors’*  
18 *Conference for the Reconstruction of Iraq provided be-*  
19 *tween \$14,000,000,000 and \$17,900,000,000 in finan-*  
20 *cial assistance for Iraq, primarily in the form of*  
21 *loans. In November 2003, Congress appropriated*  
22 *\$18,600,000,000 in grants for the economic recon-*  
23 *struction of Iraq.*

24 *(3) President George W. Bush said on December*  
25 *5, 2003, that “[t]he future of the Iraqi people should*

1       *not be mortgaged to the enormous burden of debt in-*  
2       *curred to enrich Saddam Hussein’s regime. This debt*  
3       *endangers Iraq’s long-term prospects for political*  
4       *health and economic prosperity. The issue of Iraq debt*  
5       *must be resolved in a manner that is fair and that*  
6       *does not unjustly burden a struggling nation at its*  
7       *moment of hope and promise.”.*

8               *(4) The current moratorium on Iraq’s debt re-*  
9       *payment obligations will end on December 31, 2004.*

10              *(5) According to the January 2004 Congres-*  
11       *sional Budget Office paper “Paying for Iraq’s Recon-*  
12       *struction”, “Iraqi officials do not anticipate paying*  
13       *high levels of war reparations or interest on foreign*  
14       *debt. Thus if Iraq fails to achieve substantial relief*  
15       *from its international obligations, it may have trou-*  
16       *ble funding any rebuilding efforts.”.*

17              *(6) The successful economic reconstruction of*  
18       *Iraq will require the support and cooperation of the*  
19       *international community, including the United Na-*  
20       *tions, the World Bank, the International Monetary*  
21       *Fund, and the Paris Club, for economic assistance*  
22       *and substantial debt relief before December 31, 2004.*

23       *(b) SENSE OF CONGRESS.—It is the sense of Con-*  
24       *gress—*

1           (1) *that it is in the best interests of the United*  
2 *States to work with Iraq and Iraq's creditors to re-*  
3 *negotiate a substantially reduced debt and repara-*  
4 *tions burden for Iraq;*

5           (2) *to commend the President for seeking the*  
6 *support of the international community to build a*  
7 *stable and secure Iraq, including diplomatic efforts to*  
8 *provide substantial debt relief for Iraq, and for the*  
9 *appointment by the President of James Baker III as*  
10 *his personal envoy for negotiations regarding Iraq*  
11 *debt; and*

12           (3) *to encourage and support the efforts of the*  
13 *President to call upon our allies and Iraq's creditors*  
14 *in the Middle East to provide economic assistance*  
15 *and debt and reparations relief as a sign of support*  
16 *for this new era in Iraq's history.*

17 **SEC. 2521. SENSE OF CONGRESS ON RIGHTS OF WOMEN IN**  
18 **IRAQ.**

19 (a) *FINDINGS.—Congress makes the following findings:*

20           (1) *The Iraqi Governing Council has adopted*  
21 *resolutions which, although not approved by the Coa-*  
22 *lition Provisional Authority, if enacted, could threat-*  
23 *en the rights of women in Iraq and deny women in*  
24 *Iraq the custody of their children, inheritance rights,*  
25 *voting rights, and the right to divorce.*

1           (2) *While Ambassador Paul Bremer, the Admin-*  
2 *istrator of the Coalition Provisional Authority, has*  
3 *stated that he will “oppose any measure that reduces*  
4 *legal protections for women and children,” his author-*  
5 *ity to veto measures adopted by the Iraqi Governing*  
6 *Council is scheduled to expire with the transfer of sov-*  
7 *ereignty to Iraq on June 30, 2004.*

8           **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*  
9 *that the rights of women in Iraq, including their full par-*  
10 *ticipation in government and society, should be protected*  
11 *following the transfer of sovereignty to Iraq in June 2004.*

12 **SEC. 2522. SENSE OF CONGRESS ON NATIONAL ELECTIONS**  
13 **IN AFGHANISTAN.**

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

15           (1) *Under the Bonn Agreement, Afghanistan is*  
16 *scheduled to have elections for President and Par-*  
17 *liament by June 2004.*

18           (2) *As of February 26, 2004, the United Nations*  
19 *Assistance Mission to Afghanistan (UNAMA) reported*  
20 *that nearly 1,200,000 Afghans had registered to vote,*  
21 *out of the estimated 10,500,000 Afghans who are eligi-*  
22 *ble to register, and that of those registered to vote,*  
23 *only 26 percent are women.*

24           **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*  
25 *that—*

1           (1) *in order for successful elections that are both*  
2           *fair and free to take place in Afghanistan, adequate*  
3           *security must be present throughout that country; and*

4           (2) *the United Nations Assistance Mission to Af-*  
5           *ghanistan should continue to increase its efforts to*  
6           *register Afghan women to vote in order to ensure their*  
7           *full and active participation in elections in Afghani-*  
8           *stan.*

9   **SEC. ~~2520.~~ 2523. REPEAL OF OBSOLETE ASSISTANCE AU-**  
10                                   **THORITY.**

11           Sections 495 through 495K of the Foreign Assistance  
12 Act of 1961 (22 U.S.C. 2292f through 2292q) are re-  
13 pealed.

14   **SEC. ~~2521.~~ 2524. TECHNICAL CORRECTIONS.**

15           (a) **ERROR IN ENROLLMENT.**—Effective as of No-  
16 vember 21, 1990, as if included therein, section 10(a)(1)  
17 of Public Law 101–623 (104 Stat. 3356), relating to an  
18 amendment of section 610(a) of the Foreign Assistance  
19 Act of 1961 (22 U.S.C. 2360(a)), is amended by striking  
20 “‘part I’” and inserting “‘part I)’”.

21           (b) **REDESIGNATION OF DUPLICATIVELY NUMBERED**  
22 **SECTION.**—Section 620G of the Foreign Assistance Act  
23 of 1961, as added by section 149 of Public Law 104–164  
24 (110 Stat. 1436; 22 U.S.C. 2378a), is redesignated as sec-  
25 tion 620J.

1           (c) CORRECTION OF SHORT TITLE.—Effective as of  
2 September 30, 1961, as if included therein, section 111  
3 of Public Law 87–329 (75 Stat. 719; 22 U.S.C. 2151  
4 note) is amended by striking “The Foreign” and insert-  
5 ing “the ‘Foreign’”.





Calendar No. 461

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2144**

[Report No. 108-248]

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**A BILL**

To authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2005, for the Peace Corps for fiscal years 2005 through 2007, for foreign assistance programs for fiscal year 2005, and for other purposes.

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MARCH 18, 2004

Reported under authority of the order of the Senate of  
March 12, 2004, with amendments